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# REGULATION XVII. A. D. 1827.

[Revenue Branch.]

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*A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative rights in the land and its produce, of the Government and the subject, of the superior holder and the tenant; vesting the Collector with judicial powers in cases regarding land and its rent and produce, and declaring the circumstances under which exemption from the payment of Land Revenue is to be enjoyed.—Passed by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4*th Poush Sood Sumbut, or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2*nd Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of ten (10) Chapters, as below:


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Preamble.

WHEREAS it is expedient, with a view to the protection of the rights of the State and of individuals, that the principles on which the public revenue is assessed, and its realization secured and effected, should be made known; that authorized receipts on account of revenue should be regularly and correctly recorded, and unauthorized exactions promptly punished; that the powers and responsibility of subordinate revenue officers, of farmers, and of superior holders of land, should be defined; that the Collector should be vested with civil jurisdiction in the cognizance of cases which relate to land, and its rent and produce; that the titles held to confer a right, except in times of exigency, to entire or partial exemption from the payment of revenue should be declared, and a mode provided for trying the title to exemption enjoyed, when such title is deemed insufficient by the Revenue Officers; the following Rules have, therefore, been enacted, to have effect throughout the territories subordinate to Bombay, from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

*Rules regarding Assessment, concluded direct by the Revenue Officers of Government, and descriptive of the relative rights of Government and the occupant of land.*

The settlement of the Assessment to be concluded by the Collector and the Officers of his establishment.

SECTION I.—*Clause 1st.*—The settlement of the assessment in each zilla shall be conducted by the Collector and the Officers of his establishment, acting under his orders, according to the Rules hereafter specified in this Chapter:

Heads of villages employed ministerially, how far responsible for the revenue.

*Clause 2nd.*—Heads of villages employed hereditarily, or otherwise, in the assessment of the revenue, but having no proprietary right over the land assessed, will be responsible, to such extent as may be consistent with the custom of the country, and with their agreement with the Collector, for the revenue of their respective villages.

CHAPTER I.

All land liable to pay revenue according to its kind,

unless specially exempted:

SECTION II.—*Clause* 1*st.*—All land, whether applied to agricultural or other purpose, shall be liable to the payment of land revenue to Government, according to the established principles which govern the assessment of that description of land to which it belongs, except such as may be proved to be either wholly or partially exempt from the payment of land revenue, under any of the provisions contained in Chapters IX. and X. of this Regulation.

and special exemption may, in case of necessity, be overruled for a time.

*Clause* 2*nd.*—Provided, however, that nothing contained in the preceding Clause, or in the enactments therein cited, shall be understood to affect the right of Government to assess, to the public revenue, all lands under whatever title they may be held, whenever, and so long as the exigencies of the State may render such assessment necessary.

The settlement to be made with the occupant or highest holder;

SECTION III.—*Clause* 1*st.*—The settlement of the assessment shall be made with the occupant of the land; the cultivator, when the land is held direct by him from Government, is to be considered the occupant; and when it is not so held, the person having the highest right, or holding recognized by the custom of the country, or resting on specific grant, which intervenes between the Government and the cultivator, is to be so considered.

or if he is absent, and has left no agent, with the next holder.

*Clause* 2*nd.*—If the occupant, being a superior holder, is absent, and has left no authorized agent, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding directly under him.

If the right of Assessment is unlimited, the Collector fixes it under the control of Government:

SECTION IV.—*Clause* 1*st.*—When there is no right on the part of the occupant in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the Collector, subject to the control of Government.

where there is a limit, it must not be exceeded:

*Clause* 2*nd.*—When there is a right on the part of the occupant in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

the right to fix new rates by Regulation being nowise affected.

*Clause* 3*rd.*—Nothing contained in the last preceding Clause shall be understood to affect the right of Government to institute, by regulation, at any time when it may appear expedient, new and specific Rules regarding assessment.

Excess of Assessment may be laid on land inadequately assessed, held by the person paying it.

*Clause* 4*th.*—When a larger revenue, under the name of "*veta*," or other local denomination, is, under former practice, assessable upon a portion of land, than, according to general rules, such land would otherwise pay, in consideration of other land enjoyed with it, and not directly assessed, or assessed below its value, such excess of assessment shall be placed upon the land which is enjoyed without being assessed, or which is assessed below its value.

The occupant is liable in person and property for his revenue:

SECTION V.—*Clause* 1*st.*—The occupant shall be liable, in his person and property, according to the Regulations, for the revenue of his land.

and if not paid by him, it may be realized from the inferior holder, fair payments to the inferior holder being allowed;

*Clause* 2*nd.*—If the occupant, being a superior holder, shall not discharge the revenue due by him, it may be realized from the inferior holder, but such inferior holder shall receive credit for all payments to his superior holder, not made in anticipation of the usual kists.

*Clause 3rd.*—In all cases, the revenue of the year, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land assessed.

the crop also being liable for its revenue, in preference to all other claims.

SECTION VI.—*Clause 1st.*—Any occupant may throw up his land, and cease to pay the assessment, but he must give notice to the person authorized to receive the revenue, of such being his intention, previously to the Murgsal or commencement of the revenue year, or he will be liable for any loss in the revenue of that year occasioned by his abandonment of the land without due notice, and the amount of such loss shall further be fixed and levied by the Collector as an ordinary assessment.

Land may be thrown up on notice given.

*Clause 2nd.*—When a cess *(Veera, &c.)* is paid by any class of people holding land exempt from the payment of revenue, the produce of the land being evidently the means of the payment of the cess, no alienation of any part of such land, without the Collector's sanction, shall be valid; but if application be made by the persons paying the cess, the Collector shall cause such cess to be laid as a fixed assessment upon such portion of the land as he may judge to be adequate, and the remainder of the land shall thenceforward cease to be subject to any restriction on account of such commuted cess.

Exception in the case of a cess, until the cess is fixed upon the land.

*Clause 3rd.*—If a person throw up land, paying *veta*, as described in Clause 4th, Section IV. before the provisions of the said Clause shall have been followed, he shall, at the same time, surrender the land held in conjunction with the said veta land; and if he throw up land, the road to which lies through land retained by him, such road shall continue open without entitling him to any abatement of revenue on that account.

Exception in the case of *veta*, until its payment has been provided for.

SECTION VII.—*Clause 1st.*—Uncultivated land, not exempt from assessment, may be disposed of, with the Collector's sanction, for the benefit of the revenue.

Uncultivated land, liable to pay revenue, may be disposed of by the Collector,

*Clause 2nd.*—Provided, however, that such disposal shall not, in any way, affect the claim to preference, the right of occupation, or any other rights which individuals may have over such land, as the same may, when contested, be established in a Court of Justice.

all rights being respected.

SECTION VIII.—*Clause 1st.*—Nothing contained in any of the preceding Sections shall be understood to affect, in any way, the peculiarities of the tenure of shareholders of villages settling hereditarily and by right for the revenues of their villages in the gross, and thus possessing, in some measure, a proprietary right in the land of their villages: the said peculiarities shall be respected and preserved, whether they relate to the occupancy, disposal, and assessment of the lands of the village, the collection of the revenue, and the joint liability of the shareholders, or to the intermediate steps prescribed by the terms of the tenure, and by local usage, for the purpose of realizing the revenue, in case of non-payment, without destroying the tenure.

Reservation of the rights of shareholders of villages divided into shares,

*Clause 2nd.*—Provided, however, that the land and its crop shall in these villages, as well as in others, be held to be ultimately liable for the revenue, and that when the shareholders fail to pay such revenue, and the intermediate steps in such cases, prescribed by the tenure and local usage, have been found inefficient, it shall be competent to the Collector to manage the said villages in the same way as others, and the lands of any such village shall

the land of which is, however, ultimately liable for the revenue,

and will by non-

payment eventually revert to Government.

then revert to the Government, unaffected by the acts of the shareholders, or any of them, so far as the public revenue is concerned, but without prejudice, in other respects, to the rights of individuals.

The Collector's decision on questions arising out of the preceding Rules to be, in the first instance, the Rule,

but any person may appeal to Government by petition,

or file an action, or do both.

SECTION IX.—*Clause 1st.*—The Collector's decision upon any question arising out of the provisions of the preceding Sections shall, in the first instance, be obeyed and acted upon as the Rule.

*Clause 2nd.*—But if any person should deem himself aggrieved by any such decision, he may either present to the Collector a petition addressed to Government, praying for redress, or may file an action against the Collector in the Civil Court, under the ordinary Rules, or he may pursue both methods at the same time.

The Collector shall forward any petition,

but the reference to Government shall not affect the suit.

*Clause 3rd.*—The Collector shall forward to Government, without delay, any petition presented to him under the preceding Clause, but the reference to Government shall have no effect upon any suit instituted in the Civil Court.

The Collector, or Assistant in charge, alone to decide on these questions.

*Clause 4th.*—No Revenue Officer, except the Collector (permanent or acting) or an Assistant in charge of the Collector's duties, shall exercise the authority conferred by the first Clause of this Section.

Notice of the periods, &c. of revenue instalments, how to be given.

SECTION X.—The Collector shall cause notice to be given, either specially to the occupant of the land, or by public proclamation, to be fixed up at the village chowra, of the respective periods at which the instalments of the revenue become due, and of the person to whom payment is to be made.

## CHAPTER II.

### *Of precautionary measures for the security of the Land Revenue.*

Assessable crops, if the Collector should duly so direct, must not be reaped without permission.

SECTION XI.—*Clause 1st.*—No assessable crop, if the Collector shall so direct by a proclamation, to be exposed to view in the village chowra one month before the usual time of reaping, shall be reaped, until notice in writing has been given to the Collector, or other person nominated by him for the purpose, and the said notice has been endorsed as an acknowledgment, and returned as a voucher; and any person, after such notice so given, proved before the Collector to have reaped, or connived at the reaping of his crop,

Penalty.

without such voucher, shall be liable to a fine, not exceeding half the current value of the crop reaped, to be fixed and levied by the Collector as an ordinary assessment.

Nor if directed, must they be removed without permission.

*Clause 2nd.*—And if the Collector shall so direct, one month before reaping, no assessable crop shall be removed from the field wherein it has been reaped, or from any place wherein it may have been deposited, by mutual consent of the Collector and the owner, without the sanction, in writing, of the Collector or other person authorized by him to grant it, under the

Penalty.

penalty, on the part of the owner, described in the preceding Clause, upon proof made, as therein specified, of his having committed the offence, or connived at it.

The Collector may place watchmen to prevent such reaping or re-

*Clause 3rd.*—It shall be lawful for the Collector to cause watchmen to be placed over the crops, for the purpose of preventing the unlawful reaping or removal of the same, and to realize the amount required for their remu-

neration, at the rate of pay received by the peons on his establishment, from the occupant, in the way provided for the realization of the revenue.

moval, and their wages must be paid by the occupant.

*Clause 4th.*—As the above restrictions on reaping and removing the crop are intended only as a temporary security against clandestine disposal of the same, the Collector shall not defer the said reaping, or prolong the said deposit, so as to damage the produce; and within the period of two months after the crop has been deposited, he shall, if the revenue has not been discharged, either release the crop so deposited, and proceed to realize the revenue according to the Rules generally enacted for that purpose,or take such portion of the crop, in no case exceeding one half, as he may deem equivalent to the revenue due, and twenty (20) per cent. on the same as a set-off against contingent expenses, and relinquish the remainder to the owner.

Reaping or removal of crops must not be unreasonably protracted;

but when the restrictions are taken off, the revenue and contingent expenses may be realized.

*Clause 5th.*—The occupant shall be released from the operation of the Rules contained in the foregoing Clauses of this Section, upon furnishing security, satisfactory to the Collector, or other person authorized by him to take it, for the payment of the revenue as it becomes due.

Adequate security for the revenue will be taken, in lieu of all restrictions;

*Clause 6th.*—But permission to reap or remove the crop may, at any time, be retracted by an order, in writing, to the cultivator, upon the security for the revenue appearing inadequate, and the violation of such order shall be punishable in the same way as reaping or removing the crop in the first instance without permission.

but they may be resorted to if the security prove insufficient.

## CHAPTER III.

### *Of the realization of the Revenue by distraint of the Person and Property of the Defaulter.*

SECTION XII.—*Clause 1st.*—If the period fixed, as prescribed in Section X., for payment of any instalment of the revenue, shall have elapsed without payment having been made, it shall be competent to the Collector, when the contumacy of the defaulter may render it in his judgment necessary, to enforce payment of the same by proceeding, as described in the following Clauses of this Section, against the defaulter or his security, or both.

Unpaid revenue may be realized from the occupant or his security, or both,

*Clause 2nd.*—The Collector may resort to mohussulee, by sending a peon or other person employed as such, or horseman, to demand payment, whose subsistence, as fixed by the Collector, shall be paid by the person to whom he is sent, until the demand is satisfied: the subsistence of a foot mohussul shall be at the same rate as the wages of Collectors' peons in the district for the three first days, and at a rate not greater than double that amount for the next six days, and at a rate not greater than treble the said amount for six days more succeeding: the subsistence of a person employed as a horse mohussul shall be at a rate not greater than double that prescribed for a foot mohussul, and the amount of such respective subsistence, if not otherwise paid, shall be leviable by the Collector, as an ordinary assessment.

by employing a foot or horse mohussul, on specified rates of pay, and for a certain period:

*Clause 3rd.*—But every person employed as a mohussul, shall account for the whole of his receipts to the Collector, who shall assign to him such part of the same as the Collector may deem a fit remuneration, provided that it shall not be less for a foot mohussul than the wages of a Collector's peon, nor less for a horse mohussul than double such wages, for the time during which he may have been employed.

the mohussuls ultimately receiving what the Collector adjudges, provided that it be a certain sum.

CHAPTER III.

More persons than one may be employed as mohussuls, but mohussulee must never exceed one-fifth of the demand,

*Clause 4th.*—The Collector may, if he should deem it requisite, employ more persons than one as mohussul, fixing the pay of each according to the preceding Rules; provided, however, that whether one person or more be so employed, the amount of mohussulee shall never exceed one-fifth of the amount of the demand, on account of which it was incurred.

and will cease when the defaulter reaches the kucherry.

*Clause 5th.*—A defaulter, to whom a mohussul has been sent, shall be at liberty to repair to the kutcherry from whence the mohussul came, or to the Collector's kutcherry, and mohussulee shall cease from the time of his reaching the kutcherry.

The defaulter's property may be attached and sold.

*Clause 6th.*—The Collector may, in lieu of resorting to mohussulee, or after employing the same, enforce payment of the amount due, by the attachment and sale of the property of the individual proceeded against, or by confining him, for a period not exceeding thirty (30) days, at the sudder or any district kutcherry, or by causing him to be imprisoned in the civil jail of the Zilla.

Attachment and sale for revenue demands, how to be conducted.

*Clause 7th.*—The attachment and sale of the property of defaulters shall be conducted by the Collector and Officers of his establishment under the Rules prescribed for the Civil Court, in Regulation IV. A. D. 1827, Section LXII. Clause 2nd, and Sections LXVI. and LXIX. and intervening Sections; the Collector's order, stating the amount due by the defaulter, and directing its realization, occupying, in all respects, the place of a judicial decree, and the subordinate Officers of the Collector's establishment being authorized to execute such order, in the same way as the subordinate Officers of the Civil Court execute its decrees, without reference to the denomination of their Officers.

Defaulters for imprisonment to be sent, with a memorandum of the demand, to the Judge,

*Clause 8th.*—When a person is forwarded to the Judge for imprisonment in the civil jail, under the provisions of Clause 6th, the Collector shall send, by the peon in charge, a memorandum, stating the name of the person sent for imprisonment, the nature of the demand against him, and the amount thereof.

who will imprison them as debtors, the Collector paying the subsistence money;

*Clause 9th.*—The Judge, on receiving the memorandum, shall cause the defaulter to be imprisoned in the civil jail, according to the Rules for the imprisonment of debtors under decrees of Court, the subsistence money of the prisoners being furnished by the Collector.

but they may be released on security given to satisfy the demand, to try it, and fulfil the decree.

*Clause 10th.*—If a defaulter, confined in the zilla jail, shall give, before the Judge, sufficient security that he will either file a suit in Court within fifteen (15) days against the Collector to try the demand, and will pay the amount which may be decreed against him, together with the costs and interest which may be so decreed, or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded, the Judge shall forthwith cause him to be set at liberty.

Revenue demands of former years recoverable like current revenue, but without prejudice to other claims.

SECTION XIII.— Arrears of revenue of former years, and demands on account of money, advanced as tukavee, shall be recoverable by the Collector in the same way as *current revenue*, except that the paramount preference given to demands for *current land revenue*, as specified in Section V., shall not extend to demands on account of *arrears* or of advances for *former years*.

Collectors may

SECTION XIV.—The principles of Regulation IV. A. D. 1827, Section

LXX., relative to the enforcement of each other's decrees by zilla Courts shall be applicable to Collectors, who shall, on application, realize each other's revenue demands in the same way as if they were their own.

realize each other's demands.

## CHAPTER IV.

*Rules for the security of the Ryot by means of the regularity and publicity of Village Accounts; penalties attached to undue exactions, and Penal Jurisdictions of the Zillah Magistrate and Criminal Judge in such cases.*

SECTION XV.—*Clause* 1*st.*—Receipts for all revenue payments, in money or in kind, specifying the date and the particular account on which made, shall be granted by the person authorized to receive the public dues, and such receipts shall be countersigned by the Tulatee, and recorded on his books; and any person, authorized to receive revenue, and any Tulatee convicted of a breach of these Rules, before the Collector, shall be liable to a fine, not exceeding three times the amount received for which a receipt was not duly granted, such fine to be levied by the Collector as an assessment, and one half thereof to be paid to the informer.

Receipts for all revenue payments to be granted by the receiver; and countersigned and entered by the Tulatee. Penalty.

*Clause* 2*nd.*—The Tulatee of the village shall furnish to the occupant of any land in the bounds of the village, who may demand it, a copy of his account for the current year, and the Tulatee's accounts of the village shall be open to public inspection, and all persons concerned shall be allowed to make extracts from them.

The Tulatee to furnish occupants with copies of their accounts, and to let his books be inspected, and extracts made.

*Clause* 3*rd.*—Any Tulatee refusing for ten (10) days to give to any person interested, access to his accounts, or to furnish accounts required under the two preceding Clauses, shall be liable to a fine, not exceeding ten (10) Rupees for every such breach of duty, and further to suspension or dismissal from office.

Penalty of refusal.

*Clause* 4*th.*—If there is no Tulatee in the village, the person performing the duties of that Officer will be held to be responsible for the observance of the provisions of the preceding Clauses, under the penalties therein specified.

Where there is no Tulatee, the person doing the duty is liable.

SECTION XVI.—*Clause* 1*st.*—All undue exactions made under the colour or by the exercise of the authority of any Revenue Officer, are hereby declared criminal offences, and may be prosecuted criminally: they shall be punishable by imprisonment, for a period not exceeding seven (7) years, and fine, not exceeding ten (10) times the amount of the undue exaction, commutable into a further period of imprisonment at the rate of two days of imprisonment per each Rupee of fine.

Undue exactions as revenue demands are criminal offences, and punishable with fine and imprisonment.

*Clause* 2*nd.*—The authority imposing the fine may award part or the whole thereof, as reward to the informers.

Reward to informer.

*Clause* 3*rd.*—If the offender be on the Collector's establishment, he shall further be liable to punishment for breach of duty, under the Rules enacted on that subject.

Further punishment of the offender, if on the Collector's establishment.

*Clause* 4*th.*—The penal jurisdiction of the Collector as Magistrate, in the cognizance of the offences specified in Clause 1st of this Section, shall extend

The Magistrate's penal jurisdiction extending to three

years' imprisonment, and the Criminal Judge's absolute jurisdiction to five years;

to imprisonment for the period of three (3) years, inclusive of the commutation for fine: the absolute jurisdiction of the Criminal Judge shall, in the said cases, extend, in like manner, to imprisonment for five (5) years; sentences of imprisonment for a longer period passed by the Criminal Judge, whose jurisdiction, under Regulation XIII. A. D. 1827, Section XIII., extends to seven (7) years, shall be referred with the cases to the Sudder Foujdaree Adawlut, according to the Rules contained in Clause 2nd of the said Section.

A civil suit may further be instituted, but if any money has been recovered, damages must be lessened.

*Clause 5th.*—Nothing contained in the preceding Clauses shall be held to prevent the person, from whom the undue exaction was made, from instituting a civil action for the recovery of the same, but the sum which the plaintiff may have received under Clause 2nd of this Section, shall be deducted from the amount of the undue exaction proved, and the remainder only decreed to be paid.

## CHAPTER V.

### *Of the responsibility and authority of Komavisdars and Heads of Villages for the realization of the Revenue.*

A Komavisdar may be authorized to take security or other precautions for the realization of the revenue,

SECTION XVII.—*Clause 1st.*—It shall be competent to the Collector to authorize Komavisdars to demand security, whenever requisite, for the payment of the revenue, and if it is not furnished, to take the necessary precautions authorized in Section XI. by means of the district and village revenue establishment, to ensure the realization of the revenue.

and to send mohussuls, and confine defaulters at his kucherry,

reporting each case;

*Clause 2nd.*—The Komavisdar may further be authorized to send mohussuls on defaulters, and to confine defaulters at the district kucherry, for a period not exceeding thirty (30) days, provided that an immediate report of each case be made to the Collector.

and to send them to the Collector,

*Clause 3rd.*—And further, to send defaulters to the Collector, for imprisonment in the civil jail, if the Collector should think fit.

and attach their property, reporting each case.

*Clause 4th.*—And also to attach the property of defaulters, on making an immediate report to the Collector for his final orders.

The Collector may authorize heads of villages to employ watchmen to guard the crops;

SECTION XVIII.—It shall be lawful for the Collector to authorize heads of villages to employ watchmen, for the purpose of preventing the removal of crops assessed to the revenue, when security has not been given, or when, if given, it subsequently appears insufficient; the Collector, however, being responsible that the provisions of Section XI. on this subject are not exceeded.

and both the Komavisdar and head of a village may employ a village havildar, and authorize his receiving his fee.

SECTION XIX.—It is to be understood, that the Komavisdar and Patell, duly authorized to receive revenue, are always entitled to employ the village havildar, or village beadle, in realizing revenue demands, and to authorize such village Officer to exact the fee usual in the village on such occasions, provided that such fee shall in no case exceed half an anna.

## CHAPTER VI.

### *Of Farmers, and of their power and responsibility.*

The revenue may, with the sanction of Government, be farmed on written agreement.

SECTION XX.—It shall be lawful for the Collector, with the sanction of Government, to farm the public revenue, or any portion thereof, to individuals, on specific Agreements, to be passed in writing.

Notice of the farm to be given.

SECTION XXI.—When land revenue is farmed, the Collector shall cause specific notice thereof to be given to the head Patell of each village included in the farm, and a Proclamation to the same effect to be fixed up at each village chowra: the notice shall specify the name of the farmer authorized to receive the revenue, and whether personally only, or to his option through his agents, and the period when the revenue, or each instalment thereof, will become due.

The farmer can raise the assessment only by application of the Collector, whose direction is the Rule, until altered by the Court.

SECTION XXII.—The farmer shall not have authority to increase, in any instance, the assessment paid the preceding year, but when he may consider himself entitled to a larger amount than that assessment would award from any individual, he shall make application in writing to the Collector, whose directions shall be obeyed and acted upon as the Rule, until superseded by a judicial decree, in a suit instituted against the Collector under Section IX. Clause 2nd.

The farmer may employ watchmen, if security has not been given;

and crops must not be reaped or removed without permission, under penalty;

SECTION XXIII.—*Clause* 1*st.*—The farmer may be authorized by the Collector, at his discretion, if security is not given for the revenue, to cause watchmen to be placed over crops, with the view of preventing their being removed without his permission: the remuneration of the watchmen shall be defrayed, and the unauthorized reaping or removal of the crop, or conniving at the same, by the owner, shall be punishable in the same way as if the revenue had not been farmed:

but the Collector or his Assistant must adjudge it.

*Clause* 2*nd.*—But no demand of the farmer, on account of any of the matters specified in the preceding Clause, shall be enforced, except on investigation made, and order passed by the Collector, or one of his Assistants.

The farmer must not, against the owner's will, dispose of deposited crops, but must apply to the Collector or his Assistant, who will pass the requisite order.

*Clause* 3*rd.*—The farmer shall not have authority, without the consent of the occupant, to dispose of or appropriate any deposited crop, or any part thereof, in satisfaction of demands of revenue collected in money, but shall make application to that effect to the Collector, or one of his Assistants, who, after due investigation, shall give such directions as the case may seem to him to require.

The village havildar may be employed, according to custom, by the farmer.

SECTION XXIV.—The farmer shall have authority to employ the village havildar or beadle in realizing revenue payments, and to authorize his receiving the usual fee, provided that the same shall not exceed one half of an anna.

Withholding receipts, extortion, &c., by the farmer or his agents, how punishable.

SECTION XXV.—The provisions of Section XV. Clause 1st, and of Section XVI. enjoining the grant of receipts for revenue payments, and imposing penalties on undue exactions, are hereby, to prevent uncertainty, declared applicable to the farmer and his agents.

The farmer may, on application to a Komavisdar, procure mohussuls to be employed;

SECTION XXVI.—*Clause* 1*st.*—If the farmer should desire to employ mohussuls, or to have recourse to the arrest, detention, or imprisonment of defaulters, or to the attachment and sale of their property, for the purpose of realizing the revenue, he shall make application in writing to that effect to the Komavisdar of the district, who shall be empowered to employ, in behalf of the farmer, the same means of enforcing payment of revenue claims as he is permitted to employ in realizing his own collections.

but the Komavisdar must use his discretion.

*Clause 2nd.*—But the Komavisdar is to investigate the farmer's claim, and to grant or reject the application, as to him may seem fit:

And the Collector may, in all cases, be applied to;

*Clause 3rd.*—Nothing contained in the two preceding Clauses is to be understood to prevent a farmer, either before or after a requisition to the Komavisdar, from applying to the Collector, to enforce the payment of revenue due to the farmer, by any of the compulsory modes which the Collector is authorized to employ.

and, after investigation, will pass the requisite order.

*Clause 4th.*—The Collector, on receiving the application, shall investigate the case, and take such steps as the just claims of the farmer may appear to him to require.

Mohussulee or other compulsory process to cease on suits filed before the Collector, and the farmer may file such suits, though mohussulee, &c. has been withheld.

*Clause 5th.*—If mohussulee or other compulsory process be employed by any revenue authority in behalf of a farmer, it shall cease at any time upon the alleged defaulter filing a suit against the farmer before the Collector, according to the provisions of Chapter VIII. to try the demand, and furnishing security to the Collector's satisfaction, that he will discharge the amount which may be adjudged against him; and, on the other hand, if the revenue authorities shall have declined acceding to the farmer's application to employ compulsory process, it shall, nevertheless, be competent to the farmer to institute a suit against the ryot, according to the provisions of Chapter VIII., for the purpose of establishing his claim.

Arrears due to the farmer recoverable only by suit before the Collector.

SECTION XXVII.—Arrears of revenue of former years shall be recoverable by the farmer only on suit instituted before the Collector, according to the provisions of Chapter VIII.

The farmer how liable for the amount which he agreed to pay for his farm, which if not paid by him, is recoverable from the ryots, fair payments to the farmer being credited.

SECTION XXVIII.—The farmer shall be responsible to the Collector for the amount which he has agreed to pay for the farm, according to the terms of his Agreement; and if he should fail to discharge any instalment on the day when it becomes due, it shall be competent to the Collector to proceed against him or his security, or both, as against a revenue defaulter, and to direct the revenues of the farm to be paid in future into the public treasury, and in such case, no payment on account of revenue made in anticipation to the farmer, shall be held to bar the claim of the Collector to the revenue assessable on the crop, which shall be realized in the same way as if no farm had been granted.

## CHAPTER VII.

*Of the powers and responsibility of superior holders of land in respect of the realization of the rent of their lands, and to the payment of Revenue due therefrom.*

Superior holders how to recover their dues from their tenants.

SECTION XXIX.—*Clause 1st.*—The provisions contained in Sections XXIII., XXIV., XXVI., and XXVII., shall constitute the Rule for the recovery of their dues by superior holders from their tenants.

Power to arrest and imprison defaulting tenants conferred on the Nuwab of Surat, and complaints against him, on this

*Clause 2nd.*—But the Nuwab of Surat shall have authority to arrest inferior landholders and others occupying land belonging to the Nuwab, against whom he may have demands on account of rent, and to confine such persons in some fit place and manner for a period of thirty (30) days, or for any shorter term within which the Nuwab's demands may be satisfied; and com-

plaints against the Nuwab regarding the exercise of the power thus vested in him, shall be received and proceeded in by the Agent for the Governor at Surat, according to the instructions which that Officer shall receive from Government, and shall not be cognizable by any other authority.

subject, cognizable only by the Agent for the Governor.

SECTION XXX.—Superior holders are responsible to the Collector for the public revenue assessed on their lands, and if payment thereof be not made, or satisfactory security furnished, the Collector may realize from the crop the amount due, or resort direct to the inferior holder, as provided for in Section V.

Superior holders are responsible for their revenue to the Collector, who, if necessary, may receive payment from the tenant.

## CHAPTER VIII.

*Of the civil jurisdiction of the Collector in the adjustment of the respective rights of parties in cases which relate to land, and its rent and produce.*

SECTION XXXI.—*Clause 1st.*—The Collector is vested with the civil cognizance in the first instance, subject to the limitation, as to time, enacted in the general Regulations, of all claims for the possession of lands :

The Collector has civil jurisdiction in suits for the possession of lands,

*Clause 2nd.*—Of all disputes in regard to the tenures of land, and to the nature and extent of the interest and advantage which should, in virtue of such tenure, be enjoyed by the parties concerned :

and regarding tenures of land,

*Clause 3rd.*—Of all disputes regarding rent of the current or former year, which the ryot on the one hand, or the farmer or superior holder on the other, may desire to submit to civil adjudication, as provided in Sections XXVI., XXVII., and the 1st Clause of Section XXIX. :

and its rent ;

*Clause 4th.*—Of all questions regarding the use of wells, tanks, and water courses, and roads to fields :

and regarding wells, tanks, &c.

*Clause 5th.*—Of all disputes regarding boundaries :

and boundaries :

*Clause 6th.*—All original suits, relating to any of the subjects enumerated in the preceding Clauses of this Section, which may be depending in the zilla courts, will accordingly be forthwith transferred to the Collector.

such suits to be accordingly transferred.

SECTION XXXII.—*Clause 1st.*—In every suit instituted by virtue of the preceding Section before the Collector, a plaint on unstamped paper shall be presented to the Collector, specifying the nature and extent of the demand, and such other particulars as may be necessary to elucidate the case.

The plaint to be on unstamped paper. What it is to contain.

*Clause 2nd.*—In summoning the defendant, receiving the pleadings, summoning witnesses, taking evidence, and generally in the conduct and decision of the suit (the proceedings on which shall be on unstamped paper), the Collector shall be guided by the Rules enacted in Regulation IV. A. D. 1827, for Courts of civil justice ; and it is hereby declared and enacted, that, in so far as concerns the summoning and examination of witnesses, the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance by the Collectors of land revenue, in virtue of the provisions of this Chapter vesting Collectors with judicial powers, their kutcherries or offices shall be held to be Courts of Civil Judicature.

Proceedings and powers of the Collector.

SECTION XXXIII.—*Clause 1st.*—A copy of the decree shall be furnished by

A copy of the

decree to be furnished, if stamped paper is supplied, in ten days from its date, and may then be executed, unless an appeal be made.

the Collector within ten (10) days of its date to each party, on his providing the stamped paper prescribed for decrees in Appendix F. to Regulation XVIII., A. D. 1827; and after the said period of ten (10) days, the Collector, on verbal application by the party interested, shall cause the decree to be executed, unless the opposite party should furnish security satisfactory to the Collector, that he will either institute an appeal within the period prescribed by law, or will, within the said period, satisfy the Collector's decree.

An appeal to the Judge may be made in ninety (90) days, and when filed the Collector will transmit the suit;

SECTION XXXIV.—*Clause* 1*st.*—An appeal against the Collector's decree shall lie to the zilla Judge within ninety (90) days from the date of the decree, and the Collector, on receiving written intimation from the Judge that the petition of appeal has been duly filed, shall transfer to the Court the whole of the proceedings held in the suit, and the documents which it contains.

and the Collector's decree is not reversible for want of form only.

*Clause* 2*nd.*—The decree of the Collector shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

In other respects ordinary rules apply to such appeals.

*Clause* 3*rd.*—In all other respects the appeal shall be subject, both as to trial and as to further appeal, to the same Rules as apply to an appeal from the decree of a Senior Assistant Judge, passed in an original suit.

## CHAPTER IX.

### *Of titles to exemption from the payment of Land Revenue.*

Title to hold land wholly or partially exempt from revenue *under a valid deed,*

SECTION XXXV.—*Clause* 1*st.*—Whenever land is enjoyed either wholly or partially exempt from the payment of public revenue, *under a deed or other writing* granted by the present or any former Government, or by any of their public Officers, possessing authority to grant the same, such deed or writing shall remain valid, and be considered as a sufficient title to the exemption.

*under recognized tenure (without a deed)*, joined with sixty (60) years' exemption;

*Clause* 2*nd.*—When land has been enjoyed, *but not under a deed or writing*, wholly or partially exempt from the payment of public revenue, *for more than sixty* (60) *years in succession* by any person, his heirs or others deriving right from him, such enjoyment, provided it has been *under some tenure recognized by the custom of the country* in which the land is situated, and more particularly under any of those specified in Appendix A, shall be considered as a sufficient title to exemption; provided, however, that *vechania* and *gerania* shall, in no case, so far as the rights of Government are concerned, be considered as *tenures recognized by the custom of the country* for the purposes of this Clause:

vechania and gerania excluded;

or twelve (12) years' exemption under a native Government.

*Clause* 3*rd.*—But enjoyment of such exemption *for twelve* (12) *years* antecedent to the date when the territory in which the land is situated came into the possession of the British Government, shall be considered as equivalent to enjoyment for *sixty* (60) *years*, as specified in the preceding Clause.

Exemptions in so far as the land has since been assessed by certain authorities;

*Clause* 4*th.*—But such deed or writing, or such enjoyment under a recognized tenure, shall not be considered a sufficient title, in so far as *the exemption has been wholly or partially annulled by an order* issued by the present or any former Government, or by any public Officer possessed, under a former Government, of full and sufficient authority to grant deeds

exempting lands from the payment of public revenue, or, so far as the land has been assessed *under an order not subsequently recalled, issued by any of the said public Officers,* and such assessment has been realized.

or paid assessment for twelve (12) years.

*Clause 5th.*—Nor shall such deed or writing, or such enjoyment under a recognized tenure, be considered as a sufficient title, if the land has been *subsequently assessed for the period of twelve* (12) *years,* like other land of the same description enjoying no exemption, and the assessment has been realized, but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period :

Provision as to partial assessment.

*Clause 6th.*—And where the assessment, so levied for twelve (12) years, has not been to the extent of that imposed on land of the same description, enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Title to exemption *from prescription (without a deed or recognized tenure).*

SECTION XXXVI.—*Clause 1st.*—Whenever land has been *enjoyed without payment of public revenue for more than sixty* (60) *years in succession,* by any person, his heirs or others deriving right from him, *such enjoyment* shall be considered as sufficient title to the exemption :

Exception when the land has since been assessed by certain Officers,

*Clause 2nd.*—Provided, however, that land *enjoyed as specified in the preceding Clause* shall be liable to assessment, so far as it may have been *subsequently assessed under an order not expressly recalled, issued by the present or any former Government, or by any public Officer possessed, under a former Government, of full and sufficient authority to grant deeds exempting land from the payment of public revenue, and such assessment has been realized,* or so far as the land *subsequent to such enjoyment for more than sixty* (60) *years may have been assessed for the period of six* (6) *years, and the assessment been realized,* but without prejudice to any suit filed in support of the title, before the completion of the said period of six (6) years.

or paid revenue for six years.

Recognition of title, its effects.

SECTION XXXVII.—*Clause 1st.*—But whenever the title to hold any land exempt, wholly or in part, from the payment of public revenue, shall have been clearly recognized by the present or any former Government, or by any public Officer possessed, under a former Government, of full and sufficient authority to grant deeds exempting land from the payment of public revenue, such recognition shall be understood to have cured all defects to the extent of such recognition, and be in so far admitted, as a sufficient title to the exemption.

Land exempt as jagheer liable to resumption and assessment.

SECTION XXXVIII.—*Clause 1st.*—Land held exempt as jagheer, shall be liable to resumption and assessment under the general Rules, at the pleasure of Government, when signified by order to the Collector, provided that such resumption or assessment shall not commence until after the incumbent shall have been served, in the manner specified in Clauses 3rd, 4th, and 5th of Section XL., with a notice according to the form contained in Appendix B, accompanied by a copy of the order for resumption of assessment.

Land exempt conditionally may be assessed, if the condition is not fulfilled ;

*Clause 2nd.*—And further, all land held exempt from the payment of public revenue, if such exemption was granted in consideration of service to be performed, or for the support of religious or other establishments, or for other special purposes, shall be liable to be assessed if the conditions of the grant are not fulfilled :

but after notice;

*Clause* 3*rd.*—Provided, that no such assessment shall be made until the person enjoying the exemption has received notice in writing, either from the Government or one of its Officers, duly authorized, requiring him to fulfil the condition of the grant, and has failed so to do within the period specified in the grant, or if no period is so specified, for more than six (6) months from the date of receiving the notice:

and in cases of trust proclamation,

*Clause* 4*th.*—Provided also, that when the person enjoying the exemption holds it in trust for the benefit of others, as in the case of exemptions granted for the support of religious establishments, public works, &c. proclamation shall, at the time of giving the notice, be made, that the land will be assessed, and the assessment enforced, unless, within the prescribed period, the conditions of the grant are fulfilled, or a suit, to enforce their fulfilment, is filed by some person interested:

duly published.

*Clause* 5*th.*—The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated, and copies thereof shall be fixed up in a conspicuous part of the Zilla Court, in the Collector's kutcherry, and in the public market of the said town or village.

Officers recognized as having authority to make grants of exemption:

SECTION XXXIX.—*Clause* 1*st.*—The public Officers, specified in Appendix C, are recognized to have possessed full and sufficient authority, under former Governments, to grant deeds or other writings, exempting land, either wholly or partially, from the payment of public revenue.

the authority of others to be proved.

*Clause* 2*nd.*—The validity of all such deeds or writings granted under former Governments, by other Officers than those specified in Appendix C, shall not be admitted without proof that the person by whom they were granted possessed full and sufficient authority for the purpose.

## CHAPTER X.

*Rules for examining and deciding upon claims to exemption from the payment of Land Revenue, and for discontinuing such exemptions when not duly established.*

When land is held apparently without authority exempt from assessment, the Collector may issue a notice of assessment;

SECTION XL.—*Clause* 1*st.*—When land is enjoyed wholly or partially exempt from the payment of revenue, and the Collector has reason to believe that no sufficient title exists for its being so enjoyed, it shall be competent to him to call upon the occupant to defend his claim, specifying the mode of defence prescribed by Regulation, and the amount of assessment which he intends to impose upon the land, in case the claim to exemption should not be defended.

its form and contents:

*Clause* 2*nd.*—The notice shall be in the form contained in Appendix D to this Regulation.

to be served on the holder, or, in his absence, on his agents;

*Clause* 3*rd.*—It shall be served by a peon of the Collector upon the holder of the land, if he is resident within the limits of the zilla, and if he is not resident within the zilla, upon any person acting for him during his absence.

or forwarded to the holder in another zilla;

*Clause* 4*th.*—If the holder is resident in another zilla, and has no person acting for him in the zilla in which the land is situated, the notice shall be

sent to the Collector of such other zilla, and be served in the manner above described:

*Clause 5th.*—And if the holder be neither known to reside nor to have a person acting for him within any zilla, the notice shall be served upon the person in charge of the land.

or served on the person in charge of the land;

SECTION XLI.—*Clause 1st.*—If the holder, or other person on whom the notice has been served, fails, within two months from the date of its receipt, to give a written answer, setting forth the grounds, whether resting on prescription or on specific grant, on which the claim to exemption is founded, or if he gives such answer, without exhibiting such evidence as may be required, either by the production of written documents, or by mentioning the names of witnesses whom he wishes to be summoned, as the case may be, the Collector, after duly considering the information in his possession, may, if he sees no sufficient proof of the right to exemption, proceed to levy the assessment specified in the notice:

if no answer is given, the Collector may levy the assessment,

*Clause 2nd.*—But the Collector shall, on due cause shewn for delay, afford a reasonable period for the production of such evidence as the person attending to support the claim to exemption may desire to bring forward.

but shall allow time for the production of proof:

SECTION XLII.—*Clause 1st.*—If the person so attending, after giving in the written answer prescribed within the period specified in Clause 1st of the preceding Section, shall, on being called upon to produce evidence, exhibit a sunnud, grant, or other written document, or mention the names of witnesses whom he wishes to be summoned, it shall be the duty of the Collector, in the presence of the party, to examine all written documents, and to summon and take the depositions of witnesses, in the same way and under the same Rules as the general Regulations prescribe for the trial of Civil suits in the Zilla Court:

upon answer given, and proof produced, the Collector to try the suit by the rules of civil justice.

*Clause 2nd.*—But whereas it was enacted by Section II. Regulation III. A. D. 1814, that "all grants for holding lands exempt from the payment of "revenue in the Islands of Salsette and Caranja, which shall have been "made by competent authority previously to the 1st December A. D. 1774; "and all such grants as may have been made in the territories ceded by "the Nawab of Surat previously to the 13th of May 1800; and all such "grants as may have been made previously to the 15th of March 1802 in "the purgunnahs of Chowrassee and Chickly, granted as a free gift by the "Guicawar to the Hon'ble Company; and all such grants as may have "been made previously to the 5th of June 1803 in the territories ceded by "the Guicawar; and all such grants as may have been made previously to "the 31st of December 1802 in the territories ceded by the Peishwa under "the treaty of Basseen; and all such grants as may have been made pre-"viously to the 29th of August 1803 in the district of Broach, of which the "Company acquired possession on that day by conquest, shall be valid; "and all persons holding lands exempt from the payment of public revenue, "under grants made by competent authority previously to the several dates "herein-before specified, shall continue to hold such lands without let or "molestation, provided that such lands may not have escheated to the "State, or may not have been resumed and assessed for the public revenue, "since the period of those dates respectively:"

By Regulation III. A. D. 1814, all grants for holding lands exempt from the payment of revenue, made previously to the following dates, respectively, to be valid:

in Salsette and Caranja, 30th December 1774;

in the Chowrassee and Chickly purgannahs, 15th March 1802:

in the territories ceded by the Guicowar, 5th June 1803;

in the territories ceded by the Peishwa, 31st December 1802:

in Broach, 29th August 1803.

*Clause 3rd.*—And by Section XVIII. of the above-quoted Regulation,

A register of ex-

empted land to be kept in each zilla;

what the register is to specify,

and what it is to be denominated.

that " a register shall be kept in each zilla of the lands held exempt from " the payment of revenue, previously to the dates herein-before specified, and " such registers shall be corrected and renewed once in every five years. " The registers shall specify the denomination of each grant or sunnud; the " names of the original granters and grantees; the names of the present " possessors, with the relation they bear to the original grantees; the dates " of the sunnuds, the names of the villages comprised in the grant, with the " extent of land, specified in local land measures, and the names of the pur- " gunnahs in which the land may be situated: such registers shall be " denominated *Registers of land exempt from the payment of Revenue under* " *grants not being Baasshahee or Royal:*"

All grants for exempted lands to be registered;

*Clause* 4*th.*—And by Section XIX. of the above-quoted Regulation, that " persons actually holding lands exempt from payment of public " revenue, under sunnuds granted previously to the dates herein-before " specified, shall, whether the sunnud may or may not have been confirmed " by competent authority, register the said particulars regarding their respec- " tive sunnuds in the offices of the Collectors of zillas:"

to which effect Collectors to make proclamation, specifying the information required.

*Clause* 5*th.*—And by Section XX. of the above-quoted Regulation, that " the Collectors of zillas shall accordingly cause due notice to be given in " all the kutcherries and public places of each zilla, by written instruments, " requiring persons holding exempted lands to register their respective " sunnuds; and the said notices shall specify the particular information " required for the purpose of registration:"

Period of time allowed for registration, and consequence of omission therein.

*Clause* 6*th.*—And by Section XXI. of the above-quoted Regulation, that " when persons holding exempted lands may refuse or omit to register their " titles during one whole year from the time of publishing the notice of the " Collector, such lands shall be liable to be assessed for the full amount of " the public revenue, in the same manner as other lands of the purgunnah " not held exempt under sunnud; but such assessment shall not be fixed " by Collectors, except by the sanction of the Governor in Council, pre- " viously obtained for that purpose, in writing:

Regulation III. A. D. 1814, when made applicable to other districts.

*Clause* 7*th.*—And whereas Regulation III. A. D. 1814, was rendered applicable to other districts than those mentioned in Clause 2nd, according to the enumeration contained, and on the dates respectively specified, in Appendix E to this Regulation:

Proclamations made in the zillas of Surat, Broach, Kaira, Ahmedabad, and the Konkans; therefore lands therein not registered are liable to assessment.

*Clause* 8*th.*—And whereas the proclamation mentioned in Clause 5th has been made in the zillas of Surat and Broach, the Eastern and Western zillas North of the Myhee, and the zillas of the Northern and Southern Konkan, It is hereby enacted, That in the above-mentioned zillas no sunnud, not registered within one year after the proclamation above mentioned was made, shall be held by the Collector, or by any Court of Justice, to preclude the assessment of land in the manner specified in Clause 6th.

Written deeds to be examined and copied in the owner's presence, and returned.

*Clause* 9*th.*—When a written deed is produced, the Collector shall, after examining the same, certify on the back of it the date on which it was produced before him, and, if desirous of having a copy of it, shall cause one to be made in the presence of the person who produced the deed, to whom he shall then return it.

The Collector

SECTION XLIII.—*Clause* 1*st.*—The Collector shall have authority to sum-

may summon and examine witnesses on the part of Government,

his power in such cases being those of a Judge;

mon witnesses on the part of Government, to administer oaths to them, and to take their depositions, and the powers conferred on Collectors, in Clause 2nd of Section XXXII. of this Regulation, by constituting their kutcherries or offices, for the time being, Courts of Civil Judicature, for the purposes therein contemplated, are hereby vested in them in the performance of the duties described in the present Chapter.

but all evidence must be taken and read in presence of the party supporting the exemption, who may also take copies.

*Clause 2nd.*—On whatsoever evidence the Collector rests a claim to assess the land, the same shall, if oral, be taken, and if written, be read in presence of the party, who may attend to support the claim to exemption, and such party shall also be at liberty to cross-question the witnesses, and to examine and copy the documents.

The Collector to keep a record.

SECTION XLIV.—*Clause 1st.*—The Collector shall keep a record of his proceedings in the language most generally spoken in the zilla; the record shall contain copies of all the documents comprised in the inquiry, and copies of all the depositions taken, with references to the originals: it shall further contain the decision of the Collector, and a full statement of the grounds on which it is passed.

What it is to contain.

A copy to be given to the party claiming the exemption,

except under certain circumstances.

*Clause 2nd.*—A copy of the record shall, when the inquiry is closed, be given to the party attending in support of the claim of exemption:

*Clause 3rd.*—But in cases coming under Section XLI. Clause 1st, it shall not be necessary for the Collector to enter on his record any documents or evidence whatever, nor to furnish the parties with any information beyond his decision on the claim to exemption, to be communicated in the mode prescribed in Section XL. Clauses 3rd, 4th, and 5th, for giving the notice of assessment.

Collector's decision in favour of the exemption final, if sanctioned by Government:

SECTION XLV.—If the decision of the Collector be in favour of the right of the holder to enjoy the land, as previously, such decision shall, after being communicated to the party, be reported by the Collector to Government, and if sanctioned by Government, shall be final.

if against the exemption, assessment how to be made.

SECTION XLVI.—If the decision of the Collector be against the right of the holder to the exemption claimed, he shall proceed to assess the land under the ordinary rules.

Collector, when bound to decide the questions of exemption, and when not bound.

SECTION XLVII.—Whenever the holder of land held wholly or partially exempt from assessment, or any person appearing to support his claim, has given a written answer to the Collector's notice, issued in conformity to Section XL., and, if the claim is founded on specific grant, has produced a written deed, or shewn sufficient cause for not producing it, it shall not be competent to the Collector to leave the question undecided without the consent of the party, in writing, on receiving which the Collector shall furnish him with a copy of the record of his proceeding, which shall contain an intimation, that his title has not been decided upon, and is subject to future examination.

A compromise may be concluded with the party claiming exemption.

SECTION XLVIII.—In all cases of doubt, or whenever in the course of the inquiry it appears to the Collector that although the claim to exemption has not been legally established, the holder, from uninterrupted enjoyment for a considerable period, or from other causes, is entitled to indulgence, it shall be competent to the Collector to conclude a compromise, subject to the con-

firmation of Government, with the party, upon the principle of securing to him a portion of the advantages claimed.

Original suits against the Collector, in what cases and for what period competent.

SECTION XLIX.—*Clause* 1*st.*—The holder of land subjected to assessment by the Collector, under Section XLI. Clause 1st, of this Regulation, shall be at liberty to institute an original suit in the zilla Court against the Collector within twelve (12) or six (6) years (according as the land, the subject of the suit, may come under the provisions contained in Section XXXV. Clause 5th, or Section XXXVI. Clause 2nd) from the date when the Collector's decision was made known.

Appeals in what cases and for what period competent.

*Clause* 2*nd.*—The holder of land subjected to assessment by the Collector, under Section XLVI. of this Regulation, shall be at liberty to appeal to the zilla Court from the Collector's decision, within ninety (90) days from the date on which that decison was made known:

The holder subject to forfeiture, if no written answer is given to the notice;

*Clause* 3*rd.*—But if a written answer was not given to the Collector's notice, issued in conformity to Section XL., the holder shall, whether or not he gains his cause, pay the whole costs of suit, and forfeit at least one year's assessment of the land, and any further assessment which may have been levied up to the date of the decree:

or if given, and the grounds of action differ from those urged in it;

*Clause* 4*th.*—He shall also be subject to the same penalties, if such written answer was given, and the grounds of action subsequently stated in the petition of appeal are of a different nature from those urged in such answer:

or a sunnud, previously withheld without good cause, is produced.

*Clause* 5*th.*—And also, if the claim was grounded before the Collector on a written deed, and the holder produces before the Court any written deed which was not produced before the Collector, without shewing sufficient cause, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned.

If oral testimony previously withheld without good cause, is produced,

SECTION L.—If the written answer given in to the Collector stated that the proof of the claim rested on oral testimony, and the holder subsequently before the Court calls any witness who was not called before the Collector, without shewing sufficient cause for his not having been called, and proving that the cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the holder shall, even if he gains his cause, pay the costs of suit and one year's assessment of the land, and be subject moreover to any part of the additional forfeiture specified in the three last Clauses of the preceding Section which the Court may impose, in consideration of the degree in which he may be deemed to have himself occasioned the assessment of the land by the non-production of evidence before the Collector, without assigning sufficient cause for such non-production.

certain forfeitures are exigible.

Rules for the trial of original suits,

SECTION LI.—*Clause* 1*st.*—Original suits instituted in the zilla Court under this Chapter against the Collector, shall be conducted in the same way, and under the same rules as all other suits, and shall be subject to the same provisions in respect to the right of appeal.

and appeals.

*Clause* 2*nd.*—Appeals instituted under this Chapter against the decrees of the Collector, shall be tried by the zilla Judge, the Government being the respondent, and shall be subject to the Rules contained in Clauses 2nd and 3rd of Section XXXIV. of this Regulation.

# APPENDICES.

## APPENDIX A.

*List of tenures that may be considered as tenures recognized by the custom of the country under Section* XXXV. *Clause 2nd, of this Regulation.*

Wanta,
Grass,
Wuttun,
Pussaeta,
Waola,
Raonia,
Puggia,
Khoodkhasta,
Cooleeyapa,
Barria,
Meeras,
Izafut,
Dewusthan.

## APPENDIX B.

*(See Section* XXXVIII. *Clause 1st.)*

*Form of Notice of the resumption of a Jagheer.*

Whereas you ——————, inhabitant of ——————, occupy —————— beegas of land in the bounds of the village of ———— ————, in the purgunna of ——————, as jagheer, this is to acquaint you, that the said tenure will cease from (here insert the date), in pursuance of an order of the Governor in Council, a copy of which is annexed.

COLLECTOR'S OFFICE,
—— day of —————— 18—.

(Signed) A. B.,
*Collector.*

## APPENDIX C.

*(See Section* XXXIX. *Clause 1st.)*

*List of Officers who, under former Governments, had power to confer grants exempting lands wholly or partially from the payment of public revenue.*

*Under the Emperors of Delhi.*

Soobadars of Provinces.

*In the Territories that were subject to the Peishwa.*

The Peishwa.
All Officers holding the Mootalikee Seal.
All Sirsoobadars in their districts.
All superior local functionaries acting directly under the Peishwa, without

the intervention of any superior authority, if the deeds bear date prior to 1803.

The Guikawar, considered as a Sirsoobadar in the Peishwa's territories to the North of the Myhee, during the period that he held them in farm.

*In the Territories that were subject to the Guikawar.*

The Guikawar.
All Officers holding the Mootalikee Seal.

*In the Territories that were subject to Scindia.*

Scindia.
His Officers holding the Mootalikee Seal.

*In the Territories that were subject to Holkar.*

Holkar.
His Officers holding the Mootalikee Seal.

*In the Territories that were subject to the Nizam.*

The Nizam.

*In the Districts that were subject to them.*

The Nuwaub of Surat.
The Nuwaub of Broach.

---

## APPENDIX D.

*(See Section* XL., *Clause 2nd.)*

*Form of Notice of Assessment, if the claim to exemption is not duly established.*

Whereas you ———— inhabitant of ———— occupy ———— beegas of land in the bounds of the village of ———— in the purgunna of ———— without paying the amount due as Government revenue on the said land, this is to intimate to you, that unless within two months from the receipt of this notice you appear before me, personally or by vakeel, and defend your claim to hold the land in the manner above specified, by giving in a written answer to this notice, setting forth the grounds of your claim, and produce such documentary or oral evidence as may be requisite in the case, or shew good cause for not producing it, the land will be assessed at the rate of ————.
Annexed to this for your information is a copy of Sections XLI. XLIX. and L. of Regulation XVII. A. D. 1827, specifying the consequence which will result from your neglecting to defend your claim before me, or defending it in such a manner as to bring you within the operation of the Rules contained in those Sections.

(Signed)
Date *Collector of* ————

## APPENDIX E.

*(See Section* XLII. *Clause 7th.)*

*Statement shewing when Regulation* III. A. D. 1814, *was rendered applicable to the undermentioned Territories.*

### Surat Zilla.

| Enactment concerned. | Territory. | Date when Regulation III. of 1814 commenced operation. |
|---|---|---|
| Section IV. Regulation I. of 1817. | The purgunna of Currode ..... | 5th June 1816. |
| | The purgunnas of Bugwara and Turkeysir.<br>The Kusba of Mota, in Surat Attaveesy.<br>The village of Mugdula, with some adjoining lands of the village of Peeplod. | 6th June 1816. |
| | The purgunna of Oolpar..... | 28th Nov. 1816. |

### Broach Zilla.

| | | |
|---|---|---|
| Section V. Regulation VI. of 1817. | The purgunnas of Jumbooseer, Ahmood and Dejbara. | 5th June 1816. |

### Eastern Zilla, North of the Myhee.

| | | |
|---|---|---|
| Section IV. Regulation I. of 1817. | The purgunna of Kupurwunj.<br>The tuppa of Bahlej.<br>The four (4) villages of Sundana, Antroly, Wasna, and Kurnej. | 5th June 1816. |
| Section XIII. Regulation III. of 1819. | The purgunnas of Mamoodabad, Alenah (except the two villages of Nikol and Sanoda), Antroly, Tasra, and Duskuroee, to the East of the Kharee River.<br>The Peishwa's share of the Pitlaud purgunna.<br>The tour of Oomrut. | 6th June 1816. |

### Western Zilla, North of the Myhee.

| | | |
|---|---|---|
| Sect. XIII. Regulation III. of 1819. | The city of Ahmedabad.<br>The Duskuroee purgunna, to the West of Kharee River.<br>The purgunnas of Veerumgaum and Purantej.<br>The two (2) villages of Nikol and Sanoda, in the Alena purgunna.<br>The Peishwa's share of the districts of Byar, Hursol, and Morassa. | 6th June 1816. |

### Zilla of the Northern Konkun.

| | | |
|---|---|---|
| Section V. Regulation VI. of 1817. | The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Peishwa Bajee Row, extending North of those districts as far as the Demaun River, and lying between the Ghauts and the sea. | 5th June 1816. |
| Sect. XIII. Regulation III. of 1819. | The territories of the Peishwa Bajee Row, extending South of the districts of Bellapoor, Autgaum, and Kaliau, as far as the Apta River, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnala Talooka. | 2nd Sept. 1817. |

## REGULATION XVII. A. D. 1827.

### ZILLA OF THE NORTHERN KONKUN *(continued)*.

| Enactment concerned. | Territory. | Date when Regulation III. of 1814 commenced operation. |
|---|---|---|
| Treaty with the Colaba State. | So much of the Uoorwuleet turuf, North of the Apta, as belonged to the State of Colaba, with the exception of the following ten (10) villages and twenty-five (25) Khars:<br><br>VILLAGES.<br><br>Woolvie, Parengur,<br>Turghur, Koondeywal,<br>Dapolee, Masor,<br>Kopur, Awrey,<br>Pohee, Gowan.<br><br>KHARS.<br><br>Nandaee Neemba, Shemptee,<br>Khar Wasunee, Waltee,<br>Hurrichundur Peemplee, Danwacha-kota,<br>Kaljee Gobur, Chiklee-bhom,<br>Boorey Boozoorg, Motee Khar,<br>Band Khar, Ranjun Khar,<br>Khat Khar, Hurrichundur-kota,<br>Waltee, Gowendee,<br>Mhalaee, Boree-khoord,<br>Sonkhar, Boree-cha-kota,<br>Bhangaree-boozoorg, Kopur,<br>Rel Khar, Pota-cha-moonh.<br>Pond Khar, | Regulation I. of 1823, the same for the purposes of this Appendix as Reg. III. of 1814, rescinded and supplied the place of Reg. III. of 1814 from the 2nd April 1823, and was, therefore, alone extended to this portion of territory.<br>6th June 1824. |
| Treaty with the Colaba State. | So much of the Toongartun Muhal, North of the Apta, as belonged to the State of Colaba, with the exception of the village of Wat.<br>The four (4) villages Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf.<br>The two (2) villages Dewroog and Khurwarboozoorg, in the Soonalee turuf.<br>The village Amburjey, in the Sherey turuf.<br>The village Ambolee, in the Burey turuf.<br>The three (3) villages Nitaley, Nourey, and Khyruney, in the Tulozeh turuf.<br>The three (3) villages Kampolee, Dewkur, and Bhanwuj, in the Bortee turuf. | Regulation I. of 1823, in force from 6th June 1824.<br>(See preceding explanation.) |

### ZILLA OF THE SOUTHERN KONKUN.

| | | |
|---|---|---|
| Regulation III. of 1819. | Fort Victoria and its nine (9) dependent villages.<br>The fort and island of Sindoodroog in Malwan, and the forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts.<br>The fort and valley of Vingorla, and the cessions by the Waree State, in Wurar and Muloondee.<br>The territories of the Peishwa Bajee Row, bounded on the North by the Apta River, and on the South by the Karlee or Malwan River, and lying between the Ghauts and the sea, with the four (4) following exceptions:—<br>1st. The Oonderee talooka, except the village of Kar Dolvie, which village belongs to the Zilla. | 2nd Sept. 1817. |

ZILLA OF THE SOUTHERN KONKUN *(continued)*.

| Enactment concerned. | Territory. | Date when Regulation III. of 1814 commenced operations. |
|---|---|---|
| Regulation III. of 1819. | 2nd. The three (3) following villages in Chawool, viz. Waolee, Karley, and Komprolee.<br>3rd. The five (5) following warees in Chawool and Thul, viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursolee.<br>4th. The oarts belonging to and situated without the walls of the fort of Rewdunda. | 2nd Sept. 1817. |
| Section IV. Regulation III. of 1820. | The nine (9) following sea-coast villages in the turufs of Ajgaum and Paut, viz.<br>*Of Ajgaum.*<br>Raree—Arowlee—Seerodee.<br>*Of Paut.*<br>Dabolee—Kanolee—Keyloos—Mahapun, with the adjoining fort of Newtee—Konchuree—Purolen. | 7th Feb. 1819. |
| Treaty with the Colaba State. | So much of the Toongartun turuf situated South of the Apta River, as belonged to the State of Colaba, with the exception of the village of Khuraree Boozoorg.<br>The two (2) villages of Wureree and Shetolee, and the four (4) Khars, Son Khar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor turuf. | Regulation I. of 1823, in force from 6th June 1814.<br>(See explanation on the Uoorwuleet turuf, Northern Konkun.) |

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(Revenue Branch.)

## REGULATION XVIII. A. D. 1827.

A REGULATION *for levying a stamp duty on certain papers within the territories subordinate to the Presidency of Bombay.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of three (3) Chapters, as below.


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION. |
|---|---|---|
| I. | *Of stamps, rules for the supply and vend of them, and punishments to assigned illegal sales and purchases* ..... | 1. |
| II. | *Of stamps required to be used by individuals in their transactions with each other* ..... | X. |
| III. | *Of stamps required to be used in law proceedings, and for the authentication of certain public documents and papers* ..... | XV. |

(Revenue Branch.)

# REGULATION XVIII. A. D. 1827.

A REGULATION *for levying a stamp duty on certain papers within the territories subordinate to the Presidency of Bombay.* —PASSED *by the Governor in Council on the* 1*st January*, 1827, *corresponding with the* 4*th Poush sood sumbut or Vikramajeet Era* 1883, *salbahan* 1748, *and* 2*d Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it has been found expedient to levy a tax upon bonds, and other written obligations and engagements, upon deeds, or other documents transferring or assigning property, upon plaints and other law proceedings, upon sunnuds and certain certificates, and upon copies of documents requiring to be authenticated by a public officer, the following rules are therefore enacted to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

### OF STAMPS, RULES FOR THE SUPPLY AND VEND OF THEM, AND PUNISHMENTS ASSIGNED TO ILLEGAL SALES AND PURCHASES.

Institution of a general stamp office ; appointment of the superintendent ; His oath :

SECTION I.—There shall be a general stamp office at the Presidency, the person placed over the same shall be designated the Superintendent of Stamps, and shall previously to entering upon the duties of his office take before the Governor in Council the oath contained in Appendix A.

Institution of zilla Stamp Offices :

SECTION II.—An office for the sale and distribution of stamps shall be established in each zilla, under the superintendence of the Collector of land revenue.

Venders of stamps to be appointed and stationed wherever required :

SECTION III.—*Clause* 1*st.*—One or more venders of stamps shall be appointed by the Collector in each Kamavisdarship, or district of similar extent within a zilla, who shall have their offices at such places as the Collector may fix; but a vender shall always be established by the Collector in each town or village where the court of a commissioner is held.

Lists of venders to be fixed up at each Kuchery and Court :

*Clause* 2*nd.*—A list of the venders of stamps within each zilla shall be constantly fixed up in the Collector's office, at the Kuchery of every Kamavisdar or native collector of a district, and in every court within the zilla.

Stamps how adequately supplied.

SECTION IV.—It shall be the duty for the Superintendent of Stamps, and of the Collector of each zilla, to keep the zilla constantly furnished with an adequate supply of the requisite stamps, and it shall further be the duty of the Collector to make the same provision in regard to each subordinate vender.

and checked :

SECTION V.—The Superintendent and the several Collectors shall establish such official arrangements, in regard to the inspection of stamps, to indents, issues, receipts, and accounts of sale, and other matters of detail, as may be best calculated to ensure the detection of forgery, and to prevent illegal sales, or lead to their discovery.

Stamps on paper and on the leaf of the tar tree to be furnished :

SECTION VI.—*Clause* 1*st.*—The stamped material procurable from the proper public officers and venders shall be paper of the manufacture of the country, and the leaf of the tar tree in districts where that article is used.

Sizes of stamped paper how made known :

*Clause* 2*d.*—The various sizes of such stamped paper will be regulated by Government, and statements thereof shall be kept exposed to public inspection at the proper public offices, and the shops of the authorized venders; and any vender failing to conform to this rule, shall be punishable by the Collector under the rules contained in Regulation XVI, A. D. 1827, Section IX.

any material whatever will, on being presented be stamped ;

*Clause* 3*d.*—Provided always, that any person shall be enabled (without

(without prejudice to the provisions of Section XIII of this Regulation) to procure the requisite stamp to be impressed upon any material of whatever size, which can without great inconvenience be stamped, by presenting the same with the price of the stamp, at the Presidency to the Superintendent of Stamps, or elsewhere to the Collector for transmission to the Superintendent, whereupon it shall be duly stamped and returned to the owner.

Particulars of the stamp;

SECTION VII.—*Clause 1st.*—All paper and other material issued under the authority of this Regulation, shall be stamped at the General Stamp Office, with a die bearing an inscription of the value of the stamp, in the English, Persian, Mahratta and Guzerattee languages:

And of the counterstamp at the treasury;

*Clause 2d.*—It shall also be counter-stamped at the General Treasury with a die, bearing the followihg inscription in the same languages viz. "General Treasury 18 — :"

Also of its authentication by signature;

*Clause 3d.*—It shall also be endorsed with the official signature of the Superintendent of Stamps, or of an Officer acting under his authority with the sanction of the Governor in Council.

Misconduct of venders how punishable.

SECTION VIII.—Delay or hindrance in furnishing purchasers with stamped paper, and misconduct generally on the part of venders shall be punishable under the rules contained in Regulation XVI, A. D. 1827, Section IX, and any vender receiving more than the legal value of a stamp may be prosecuted both civilly and criminally as for extortion under the rules contained in Regulation XVII, A. D. 1827, Section XVI.

Illegal sales and purchases of stamped paper punishable.

SECTION IX.—*Clause 1st.*—All persons, except the Superintendent of Stamps, the Collectors of Land Revenue and the authorized venders, are prohibited from selling stamps, as also from purchasing them, except from a person authorized to sell them, and any person acting in opposition to this prohibition, shall be punishable with fine, imprisonment not exceeding five (5) years, and flogging:

But a holder of a stamp may sell it back to the vender;

*Clause 2d.*—Provided however, that the holder of a stamp may return it to the person who lawfully sold it, and such person shall repay the price thereof on being made acquainted with the name and place of residence of the holder, and other particulars, regarding which, for the purpose of preventing fraud, he may be authorized under Section V, of this Regulation to demand information.

## CHAPTER II.

### OF STAMPS REQUIRED TO BE USED BY INDIVIDUALS IN THEIR TRANSACTIONS WITH EACH OTHER.

Bonds and other specified documents of a value exceeding 16 Rupees executed within the zillas must be stamped;

SECTION X.—*Clause 1st.*—No bond, promissory note, bill of exchange, letter of credit, deed of contract, marriage settlement, partnership, on agreement, security or engagement, and no deed of sale, gift, devise, mortgage, or other transfer or limited assignment of property, moveable or immoveable, unless the instrument be for a sum or value not exceeding sixteen (16) Rupees, in which case it is hereby enacted, that a stamp is not required, shall, if *executed within any of the zillas* subordinate to the Presidency of Bombay, be valid, unless duly stamped.

Exception if the document is intended for enforcement beyond such zillas;

*Clause 2nd.*—But a bond or other writing, though *executed within the said zillas*, if expressly intended *to take effect beyond them*, shall be received as a valid instrument, if it bears the stamp required for such writing in Great Britain or any of the Governments of British India, within which it was originally intended to take effect, or, if it is subsequently impressed with the stamp that would have been required, had it been executed to take effect within any zilla.

Or if it be an official engagement or relate to the rent of land;

*Clause 3d.*—All engagements and releases between Government, or its officers and individuals, are however to be received and admitted in evidence, or filed in any Court of Judicature, although not written on stamped paper, as also all leases and their counterparts, or other engagements of a similar nature relating to the rent of land passed between landholders and their tenants, whether or not, the said land pay revenue to Government.

SECTION

Bonds and other specified documents executed *beyond* the zillas for enforcement *within* them must be stamped :

SECTION XI.—No bond, or other writing of any of the descriptions specified in the 1st clause of the preceding section, though *executed beyond the zillas* subordinate to the Presidency of Bombay, shall be valid, unless duly stamped, if originally expressly intended *to take effect within the zillas.*

Stamp required for bonds and other specified writings when for a particularised value,

SECTION XII.—*Clause* 1*st.*—Every bond or other writing which is of any of the descriptions specified in section X, clause 1st of this Regulation, and which requires to be written upon a stamp, if it is for a specific sum of money, or if it transfers or assigns property of a value specified therein, shall, with the exceptions specified in Appendix B, be written upon a stamp of a value to be regulated by the rates contained in the said Appendix B.

And when not :

*Clause* 2*nd.*—But if such bond or other writing is not for a specific sum, or does not specify the value of the property thereby transferred or assigned, it may be written either upon a stamp of the value of eight (8) Rupees, or upon a stamp of any value, provided that, in the latter case no judgment shall be given thereupon, beyond the utmost sum which by the rule contained in Clause 1st of this Section could be secured by the stamp used.

Penalty to be paid on procuring subsequently a stamp originally required :

SECTION XIII.—*Clause* 1*st.*—A person possessing a bond or other writing requiring to be written upon a stamp, but which is written either on paper or other material not stamped, or on a stamp of a value below what it required, may procure such bond or writing to be duly stamped by presenting it to any Collector of Land Revenue with the price of the proper stamp and a penalty to Government equal to twenty times such price :

exception in certain cases.

*Clause* 2*d.*—But a bond or other writing of the description specified in Section X, Clause 2d may be stamped *at any time*, and a bond or other writing of the description specified in Section XI, of this Regulation, may be stamped *at any time within one year from its date*, upon payment of the price of the proper stamp only :

Mode in which the stamp is to be furnished ;

*Clause* 3*d.*—The Collector on receiving a bond or other writing, for the purpose of being stamped, shall transmit it to the Superintendent of Stamps, with a certificate, that the price with the penalty (if any was incurred) has been paid, whereupon the Superintendent shall cause the bond or other writing to be duly stamped, and at the same time mark thereon the date on which it was stamped, adding his official signature ; after which he shall return it for the use of the owner.

Validity of bonds &c. subsequently stamped how regulated ;

SECTION XIV.—*Clause* 1*st.*—A bond or other writing stamped after its original date *if executed within the zillas* subordinate to the presidency of Bombay, shall, so far as it is affected by the stamp, become valid against the granter from its original date, but, as to the rights of third parties, the date of its being stamped shall be held to be its real date :

Special provision if the bond &c. were intended for enforcement abroad ;

*Clause* 2*d.*—But if such bond or other writing *executed within the zillas* expressly intended to *take effect beyond them*, it shall, whenever stamped, become valid from its original date :

Or if it was executed abroad for enforcement in the Bombay zillas ;

*Clause* 3*d.*—Or if such bond or other writing was *executed beyond the zillas*, but originally expressly intended to *take effect within them*, it shall, *if stamped within one year*, become valid from its original date : *if stamped after one year*, it shall be subject to the same rules and penalties as a bond or other writing executed within the zillas subordinate to Bombay, and intended to take effect therein.

## CHAPTER III.

### OF STAMPS REQUIRING TO BE USED IN LAW PROCEEDINGS AND FOR THE AUTHENTICATION OF CERTAIN PUBLIC DOCUMENTS AND PAPERS.

Stamp required on plaints and appeals;

SECTION XV.—*Clause* 1*st.*—In all suits and appeals in any Court of Civil Judicature, every original plaint, every ordinary petition of appeal, and every petition for a special appeal against any decree, shall, with the exceptions

exceptions specified in Appendix C. be written on paper bearing a stamp of a value proportioned to the amount sued for, or appealed against, according to the rates contained in the said Appendix C:

Special provision when the suit is returned for a second trial;

*Clause 2d.*—But, if the result of an appeal has been to remit the suit for decision on its merits to the Court which originally tried it, and an appeal is afterwards preferred against the decree deciding the cause on its merits, the second petition of appeal shall be written on paper bearing the stamp prescribed for an ordinary application to the Court in which the appeal is cognizable.

And in the case of a supplemental plaint if it increase the sum sued for;

*Clause 3d.*—If a supplemental plaint is filed, increasing the amount of the sum sued for in the original plaint, it shall be written on paper bearing a stamp of a value proportioned to the amount of the additional sum demanded.

Or if not;

*Clause 4th.*—But if the supplemental plaint does not increase the amount of the sum sued for in the original plaint, it shall be written on the stamp prescribed for an answer.

The writing plaints or appeals on inadequate stamps how punishable;

SECTION XVI.—*Clause 1st.*—If in the course of any suit or appeal it appears that the plaint or petition of appeal is written on paper bearing a stamp of less than the prescribed value; the Court, according to the decree of culpability of the person who presented it, shall direct him to annex an additional paper bearing a stamp, either of a value sufficient to make up the deficiency, or of the full value of the stamp that should have been used in the first instance, across the stamp of which additional paper shall be written the number of the suit or appeal, the names of the parties, and the number of the paper to which it is annexed:

Particular provision when specific property is underrated.

*Clause 2d.*—In like manner, if the value of any specific property sued for is estimated at too low a rate in the plaint or petition of appeal, the Court, if it appears to have been so estimated *bonâ fide*, and if the value assumed was not less than $\frac{3}{4}$ths of the real value of the property, at the time when the suit or appeal was filed, shall proceed according to the rules contained in the preceding Clause:

Purposely or below 3 | 4ths of its real value;

*Clause 3d.*—But if the value of the property appears to have been so estimated for the purpose of defrauding the revenue, or if the value assumed was less than $\frac{3}{4}$ths of the real value, the suit or appeal shall be dismissed.

Stamps required for security bonds in suits;

SECTION XVII.—If a security bond executed in any stage of a suit or appeal, is either wholly or in part for the security of eventual cost, the amount of such costs shall, for the purpose of determining the stamp to be used, be assumed at one fifth of the sum sued for.

Answers and other documents,

SECTION XVIII.—*Clause 1st.*—Every answer, reply, and rejoinder, every razeenama and vakalutnama, every application for summoning and examining witnesses, or filing exhibits, for the revision of a decree, for a special appeal against orders issued either in the course of a suit or after the decree, or against orders issued in any other judicial proceeding, and generally, every application in any suit, appeal or judicial proceeding (not being of a criminal nature) shall, with the exceptions specified in Appendix D, be on paper bearing a stamp of the value prescribed for each respectively in the said Appendix D.

Also applications for examining witnesses and filing exhibits;

*Clause 2d.*—In applications to summon or examine witnesses, or to file exhibits, it shall not be necessary to file a separate application for each witness or exhibit, provided that, if more witnesses or exhibits than one are included in the same application, it be written upon a stamp of the aggregate value of the stamps that would have been used, had a separate application for each witness or exhibit been made.

Sunnuds and other similar documents.

SECTION XIX.—Every sunnud granted under the authority of the Regulations, or with the sanction of Government, every certificate of heirship, executorship, or administratorship, and every certificate granted by a Kazee in his official capacity, shall bear a stamp of the value prescribed for each respectively in Appendix E.

SECTION XX.—Every copy of a decree of any judicial court, except that of a Commissioner, every copy of judicial or revenue proceedings, of papers contained in any register, of statements, accounts, reports and other documents of whatever description requiring to be authenticated by any public officer, and not being for public record for the use of Government, or its officers acting in an official capacity, shall bear a stamp of the value prescribed for each respectively in Appendix F.

Also copies of decree and official papers requiring authentication.

SECTION XXI.—Should the length of any of the documents mentioned in this Chapter be such as to prevent its being comprized in one piece of the stamped material furnished by the venders, unstamped material may be added as required, provided that the several portions be firmly joined together, so as to resist future separation, and that, for the surer detection of the same if affected, the authority issuing or receiving the document shall affix his signature across each place of junction.

In the documents specified in Chapter III unstamped material may be added to the stamped.

## APPENDIX A.

*Form of oath to be taken by the Superintendent of Stamps.*

I, A. B. appointed Superintendent of Stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment, and that I will not directly or indirectly derive, or knowingly allow any person to derive any pecuniary advantage or emolument, from, or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governnor in Council.

So help me God.

## APPENDIX B.

*Table shewing the value of the stamp to be used for every bond, promissory note, bill of exchange, letter of credit, deed of contract, marriage settlement, partnership or agreement, security or engagement (with the exception of engagements and releases between Government or its officers and individuals, and leases and their counterparts, or other similar engagements relating to the rent of land, passed between landlord and tenant as specified in Section X, Clause 3d) and for every deed of sale, gift, devise, mortgage or other transfer or limited assignments of property moveable or immoveable, of a value specified in such deed.*

If for a sum or value not exceeding 16 Rupees, no stamp is required.

| If for a sum or value above. | | | the stamp required is of the value of. | Rs. | Annas. |
|---|---|---|---|---|---|
| 16 Rupees but not exceeding 32 Rs. | | | .. | 0 | 1 |
| 32 ..... | 64..... | | .. | 0 | 2 |
| 64 ..... | 125..... | | .. | 0 | 4 |
| 125 ..... | 250..... | | .. | 0 | 8 |
| 250 ..... | 500..... | | .. | 1 | 0 |
| 500 ..... | 1,000..... | | .. | 2 | 0 |
| 1,000 ..... | 2,000..... | | .. | 4 | 0 |
| 2,000 ..... | 5,000..... | | .. | 8 | 0 |
| 5,000 ..... | 10,000..... | | .. | 16 | 0 |
| 10,000 ..... | 20,000..... | | .. | 30 | 0 |
| 20,000 ..... | 50,000..... | | .. | 50 | 0 |
| 50,000 ..... | 100,000.... | | .. | 100 | 0 |
| 100,000 Rupees to whatever amount | | | .. | 150 | 0 |

## APPENDIX C.

*Table shewing the value of the stamp to be used for every plaint and petition of appeal filed in a civil suit.*

*In original suits.*

If the plaint be for a sum or value not exceeding 100 Rupees, no stamp is required.

*In*

## REGULATION XVIII. A. D. 1827.

*In appeals, regular and special.*

If the amount sued for or appealed against, do not exceed 1 Rupee, no stamp is required.

| If it be above. | The stamp required is of the value of | Rs. | Annas. |
|---|---|---|---|
| 1 Rupee but do not exceed 2 Rupees | .. | 0 | 2 |
| 2 Rupees ..... 5 ..... | .. | 0 | 4 |
| 5 ..... 10 ..... | .. | 0 | 8 |
| 10 ..... 20 ..... | .. | 1 | 0 |
| 20 ..... 30 ..... | .. | 2 | 0 |
| 30 ..... 40 ..... | .. | 3 | 0 |
| 40 ..... 50 ..... | .. | 4 | 0 |
| 50 ..... 75 ..... | .. | 5 | 0 |
| 75 ..... 100 ..... | .. | 7 | 0 |

*In original suits, and appeals, regular and special.*

| If the sum sued for or appealed against be above. | The stamp required is of the value of | Rs. | Annas. |
|---|---|---|---|
| 100 Rs. but do not exceed 200 Rs. | .. | 10 | 0 |
| 200 ..... 300 .... | .. | 20 | 0 |
| 300 ..... 500 .... | .. | 30 | 0 |
| 500 ..... 1000 .... | .. | 50 | 0 |
| 1000 ..... 1500 ... | .. | 70 | 0 |
| 1500 ..... 3000 .... | .. | 100 | 0 |
| 3000 ..... 5000 .... | .. | 150 | 0 |
| 5000 ..... 7500 ... | .. | 200 | 0 |
| 7500 ..... 10,000 .... | .. | 250 | 0 |
| 10,000 ..... 15,000 .... | .. | 350 | 0 |
| 15,000 ..... 25,000 .... | .. | 500 | 0 |
| 25,000 ..... 50,000 .... | .. | 750 | 0 |
| 50,000 ..... 100,000 .... | .. | 1000 | 0 |
| 100,000 to whatever amount ..... | .. | 2000 | 0 |

## APPENDIX D.

*Table shewing the value of the stamp to be used for every answer, reply, and rejoinder; every razeenama, and vakalutnama, every application for examining, or for summoning and examining a witness, or filing an exhibit, for the revision of a decree, for a special appeal against orders issued either in the course of a suit or after the decree, or against orders issued in any other judicial proceeding, and generally every application filed in any suit, appeal, or judicial proceeding not being of a criminal nature.*

*In original suits.*

If the sum sued for do not exceed 100 Rupees no Stamp is required for any pleading or paper filed.

*In appeals, regular and special.*

If the sum sued for or appealed against do not exceed 1 Rupee, no Stamp is required for any pleading or paper filed.

| If it be above. | The stamp required for each document filed is of the value of. | Rs. | Annas. |
|---|---|---|---|
| 1 Rupee but do not exceed 25 Rs. | . | 0 | 1 |
| 25 Rupees ..... 50 „ | .. | 0 | 2 |
| 50 Rupees ..... 100 „ | .. | 0 | 4 |

*In original suits and appeals, regular and special.*

| If the sum sued for or appealed against be above | | The stamp required for each document filed is of the value of | Rs. | Annas. |
|---|---|---|---|---|
| 100 | Rupees, but do not exceed | 200 Rupees. | .. | 0 | 8 |
| 200 | | 500 .. „ .. | .. | 1 | 0 |
| 500 | | 1500 .. „ .. | .. | 2 | 0 |
| 1500 | Rs. to whatever amount | .. | .. | 4 | 0 |

For

For every application for the revision of a decree, or for a special appeal against orders issued either in the course of a suit, or after the decree, or against orders issued in any other judicial proceeding, and generally for every application, pleading, or vakalutnama filed in any judicial proceeding, not being an ordinary suit or appeal, regular or special, nor in the Criminal department.

| | Value of Stamp. Rs. | Annas. |
|---|---|---|
| In the Court of an Assistant Judge | 0 | 8 |
| In the Court of a Zilla Judge | 1 | 0 |
| In the Court of Suddur Adawlut | 2 | 0 |

## APPENDIX E.

*Table shewing the value of the stamp to be used for every sunnud granted under the authority of the Regulations, or by the sanction of Government, for every certificate of heirship, executorship, and administratorship, and for every certificate granted by a Kazee in his official capacity.*

| | Value of Stamp, Rs | Annas. |
|---|---|---|
| For every sunnud | 10 | 0 |
| For every certificate of heirship, executorship, and administratorship | 4 | 0 |
| For every certificate by a Kazee in his official capacity; | 2 | 0 |

## APPENDIX F.

*Table shewing the value of the stamp to be used for every copy of a decree passed in any Judicial Court, except that of a Commissioner, for every copy of Judicial or Revenue proceedings, of papers contained in any register, of statements, accounts, reports and other documents requiring to be authenticated by any public officer and not being for public record, or for the use of Government or its officers acting in an official capacity.*

For every copy of a decree in a suit or appeal.

| | | Value of Stamp. Rupees. | Annas. |
|---|---|---|---|
| If the sum sued for or appealed against does not exceed | 50 Rs. | 0 | 8 |
| If it be above 50 Rupees, but do not exceed 100 Rs. | The stamp required is of the value of | 1 | 0 |
| If it be above 100 ..... 500 .. | | 2 | 0 |
| If it be above 500 ..... 1,000 .. | | 3 | 0 |
| If it be above 1,000 ..... 5,000 .. | | 4 | 0 |
| If it be above 5,000 to any sum ..... | | 5 | 0 |
| For copies of other papers requiring to be authenticated by any public officer the stamp required is of the value of | | 0 | 8 |

(Revenue Branch)

# A. D. 1827. REGULATION XIX.

A REGULATION *for the Presidency, prescribing Rules for the Assessment and Collection of the Land Revenue; and for collecting Taxes on Shops and Stalls, on beating the Battakee or making Proclamation by the Crier, on Country Music, on Wedding Sheds and places of public amusement, on Houses, on Carriages and on Horses; for causing individuals who may sell or transfer Houses or Tenements subject to quit or ground rent to give notice of the same to the Collector; and also for levying fees in the Court of Petty Sessions, and Police Offices.*—PASSED *by the Governor in Council on the first of January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajeet Era* 1838; *Salbahan* 1748, *and* 2*nd Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of six (6) Chapters, as below:


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION |
|---|---|---|
| I. | *Rules for the Assessment and collection of the Land Revenue and Trial of Revenue Suits at the Presidency* ..... .... | I. |
| II. | *Rules for the collection of the Tax called "MARKET FEES" on Shops and Stalls, on beating the Battakee, on country Music, and on the erection of Wedding Sheds and other places of public amusement*..... .. .. .. .. ..... ..... ..... | IX. |
| III. | *Rules for levying a Tax on Houses on the Island of Bombay, situated beyond the limits of the Town of Bombay, and on the Island of Colaba*..... ..... .... .... ..... ..... .... | XVII. |
| IV. | *Rules for levying a Tax on Carriages and on riding horses, on the Island of Bombay*..... ..... .... | XXIV. |
| V | *Rules for giving notice to the Collector of Bombay of the transfer of the possession of Lands, Houses or Tenements subject to quit or ground rents*..... .... .... .. .. .... .. .. | XXIX. |
| VI. | *Rules for levying fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police*..... .. .. .. .. | XXX. |

(Revenue Branch.)

# REGULATION XIX. A. D. 1827.

A REGULATION *for the Presidency, prescribing Rules for the Assessment and Collection of the Land Revenue; and for collecting Taxes on shops and Stalls, on beating the Battakee or making Proclamation by the crier, on country music, on wedding sheds and places of public amusement, on houses, on carriages and on horses; for causing individuals who may sell or transfer houses or tenements subject to quit or ground rents to give notice of the same to the Collector; and also for levying fees in the Court of Petty Sessions, and Police Offices.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramajeet Era* 1883 *Salbahan* 1748 *and* 2d. *Jammodyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it is expedient that the principles, on which the land revenue at the presidency is assessed and collected, should be defined and published, and whereas it has further been deemed expedient, under the authority of the British legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay, the following rules have therefore been enacted to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

## CHAPTER I.

### RULES FOR THE ASSESSMENT AND COLLECTION OF THE LAND REVENUE, AND TRIAL OF REVENUE SUITS AT THE PRESIDENCY.

Appointment of the Collector and his subordinate officers.

SECTION 1.—*Clause* 1*st.*—There shall be a Collector of Bombay for the purpose of collecting the land revenue of the presidency, and he shall have so many assistants and such other establishment as may be found necessary.

Oaths of the Collector and his Assistants.

*Clause* 2*nd.*—The Collector and each of his assistants shall, previously to exercising any of the functions of their offices, take before the Governor in Council, the oath prescribed for revenue Officers by 33d Geo. III Chap. 52, Section 61.

Revenue Officers how amenable to the Revenue Judge.

SECTION II.—The Collector and his assistants and native officers shall, with respect to acts done by them in their official capacities, be amenable by Civil prosecution to the jurisdiction of the Revenue Judge hereinafter constituted.

Assessment and levy of Land Revenue how conducted.

SECTION III.—*Clause* 1*st.*—The land revenue of the Presidency shall be assesed and levied by the Collector and his assistants, according to the principles laid down in Regulation XVII. A. D. 1827, Section III, the three first Clauses of Section IV, Section V, and the first Clause of Section VI; the Collector shall further be empowered to attach and sell by auction land on which revenue is due, equally with other property of the defaulter.

The Collector has the decision on doubtful points.

*Clause* 2*nd.*—The Collector's decision upon any question arrising out of the provisions contained and quoted in the preceding Clause shall, unless superseded by the decree of the Revenue Judge, constitute the rule, and shall be acted upon accordingly, but if the said decision should involve any change in the practice prevously prevailing, and the occupant should previously to the full enforcement of the decision and within the period of thirty (30) days from the date when such decision was made known to him, pledge himself in writing to institute a suit before the revenue Judge, for the purpose of trying the legality of the Collector's decision, enforcement shall be stayed until the expiration of the abovementioned period, after which it may take place, if there shall be no such suit on the part of the occupant before the Revenue Judge: but nothing herein contained has reference to the limitation of time for the institution of the suit, which is as prescribed in Chapter I, Regulation V, A. D, 1827.

But its enforcement may be stayed for a period.

Unconnected with the limitation Rules.

SECTION

CHAPTER I.

Notice of the period when Revenue is due to be given.

Non-payment met by attachment and sale of property.

And by imprisonment.

SECTION IV.—*Clause* 1*st*.—The Collector shall cause public notice to be given, to all occupants of land paying revenue, of the periods when the land revenue becomes due, and if subsequently to the said periods any occupant shall for the space of twenty (20) days after demand of payment fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale of the property of the defaulter, inclusive of the land on which the revenue is due : such sale shall be by public auction, and shall not take place until at least fifteen ( 15) days after notice given in the newspaper used for the publication of Government advertisements: it shall also be lawful for the Collector, if the sale of the defaulter's property should not produce satisfaction of the demand, to apprehend and confine the defaulter in the Civil jail, under the rules in force at the Presidency for the confinement of debtors for which purpose a certificate of the demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant equally with the usual legal process in ordinary cases of arrest in execution of Judgment for debt, provided however that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum :

But proceedings stayed if a suit is instituted and certain security given.

*Clause* 2*nd*.—But, if the alleged defaulter should previously to the realization of the demand against him institute a suit before the Revenue Judge to try its legality, all measures in execution of such realization shall be stayed pending the trial of the suit, provided that the alleged defaulter shall give security satisfactory to the Collector or the Revenue Judge, that he will in the interim, neither quit the jurisdiction, nor remove or transfer any of his property therein, without providing to the satisfaction of one of the said authorities for the execution of the decree.

Illegal exactions as Revenue demands or by Revenue Officers punishable by forfeiture.

Recovered in the Supreme Court.

And applied partly as redress and as reward to informers.

SECTION V.—All undue exactions made under the colour, or by the exercise of the authority of any land revenue officer, and the acceptance of any present by any person charged with any duty in the land revenue department towards the individual giving the same, shall be punishable by forfeiture not exceeding three (3) times the amount of the illegal receipt ; such forfeiture to be recovered in Her Majesty's Supreme Court of Judicature for Bombay by *ex officio* information there exhibited by the Advocate General or other principal law officer of Government, the amount recovered, after payment of all costs incurred in the recovery, being in the first place applied to the indemnification of the person from whom the illegal receipt was made, unless collusion in misconduct appear against him and one half of the remainder, or of the whole, (after payment of costs as aforesaid ) when such indemnification is not made, being paid as a reward to the informer or informers.

The Senior Magistrate of Police is Revenue Judge.
His Oath as such. (Appendix A.)

SECTION VI.—The Senior Magistrate of Police in the Island of Bombay shall be Revenue Judge at the Presidency, and shall in that capacity, previously to discharging any of the functions of his office, take before the Governor in Council the oath contained in Appendix A.

He decides Suits on account of Revenue or Official acts of Revenue Servants.

Fees on such Suits.

Rules for their Trial.

SECTION VII.—*Clause* 1*st*.—The Revenue Judge shall decide all suits brought before him by contributors to the land revenue at the Presidency against the Collector or any person on his establishment on account of land revenue, or of acts done in their official capacities by persons in the land revenue department of the Presidency ; the amount of each suit shall be fixed as prescribed in Regulation IV. A. D. 1827, Section, III. Clause, 1st, and an institution fee amounting to one twentieth of such amount shall be levied : when a suit is instituted the Revenue Judge shall proceed in all applicable cases according to Regulation IV. A. D. 1827, Section V. Clause 2nd, except that the period of thirty (30) shall be substituted for that of ninety (90) days, and in all other respects shall conform in the trial of the suit to the general rules contained in the above quoted Regulation.

*Clause*

*Clause* 2*nd*.—In summoning and examining witnessess, the Revenue Judge shall possess the same powers as if he were conducting a criminal investigatign as Senior Magistrate of Police-

And powers of the Revenue Judge for such purpose.

*Clause* 3*rd*.—The decree of the Revenue Judge, if it be against the Collector shall on the Collector's responsibility be fulfilled, unless appealed from according to law under instructions from Government if it be against the occupant, it shall be enforced by the Collector under Section IV. Clause 1st as an established Revenue demand, provided however, that execution shall be stayed if an appeal be made, and the security described in the 2nd Clause of that Section be furnished.

The Revenue Judge's decree how enforced.

And when kept unexecuted.

SECTION VIII.—The decree of the Revenue Judge shall be appealable as a Zilla Judge's original decree to the Suddur Dewanee Adawlut, and the decree of that Court appealable to the King in Council, under the rules contained in Regulation IV, A. D. 1827.

An appeal lies to the Suddur Adawlut and from thence to the King in Council.

## CHAPTER II.

### RULES FOR THE COLLECTION OF THE TAX CALLED "*MARKET FEES*" ON SHOPS AND STALLS, ON BEATING THE BATTAKEE, ON COUNTRY MUSIC AND ON THE ERECTION OF WEDDING SHEDS AND OTHER PLACES OF PUBLIC AMUSEMENT.

SECTION IX.—*Clause* 1*st*.—The Collector of Land Revenue of Bombay shall make a Quarterly Assessment on each and every Shop and Stall within the Town and Island of Bombay, according to the rates enumerated in Appendixes B. and C.

Quarterly Assessment on Shops and Stalls.

(Appendix B. and C.)

*Clause* 2*nd*.—The amount of this Assessment shall be collected by the Collector and received in the first instance by such person or persons as he may appoint, such security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities, as attach to individuals employed in the collection of Land Revenue of the Presidency, shall apply to all presons respectively engaged in collecting the tax.

Subordinate Collectors.

*Clause* 3*rd*.—The tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

Receipts.

SECTION X.—All persons desirous of erecting wedding sheds or other places of temporary amusement in or upon any part of the public streets or roads, shall apply for licence to erect the same to either of the Magistrates of Police, who are hereby authorized and required to grant such licence, unless they see good cause for refusing the same, and to direct the Engineer officer attached to the Court of Petty Sessions to measure off and mark out the space of ground required, or so much of the same as they or either of them may think proper, and, on the space of ground being so marked out and measured, the Engineer officer is hereby required to deliver a certificate of the space so marked out and measured to the party obtaining the said licence, and a duplicate of the same to the Collector of Bombay; and the said Collector is hereby authorized and required to make an Assessment upon each and every person enclosing such space, so marked out, as aforesaid, at the rate of five (5) rupees a night for every space not exceeding ten (10) square yards so taken in and enclosed and for every such space exceeding ten (10) square yards, at the rate of one (1) rupee a night for every square yard so enclosed.

Licences for places of temporary amusement.

Measurement of ground required.

Certificate by the Engineer.

Rate of Assessment.

SECTION XI.—Any person presuming to enclose any part of the public streets or roads, for the purpose of erecting a wedding shed, or other place of temporary amusement, without having previously obtained such licence as aforesaid from one of the Magistrates of Police, and such certificate as aforesaid from the Engineer officer, shall forfeit the sum of five (5) rupees a night for every square yard so enclosed as a penalty, and any person taking in or enclosing a greater space of ground than what was marked out and measured off by the said Engineer officer, and included in such

Penalty for occupying without licence.

in such certificate as aforesaid, shall be surcharged and shall forfeit as a penalty for the same at the rate of five (5) rupees a night for every square yard so enclosed, which shall not have been so marked out and measured and included in such certificate.

Licence for using country Music without doors.

(Appendix D.)

SECTION XII.—*Clause* 1*st*.—All persons desirous to use or employ country music without doors shall apply for a licence in writing so to use or employ the same, to either of the Magistrates of Police, who are hereby authorized to grant such licence, unless they should see good reason for refusing the same: the licence shall be in the form of Appendix D, specifying the number of days for which it is granted, and intimating moreover that it is of no effect until countersigned by the Collector, in testimony of the payment of the fees imposed by Regulation on the use of country music.

Rate of assessment:

*Clause* 2*nd*.—All persons using or employing such music as above described, shall be assessed at the rate of one (1) rupee a day, for the period specified in their licences, and any person so using or employing such music without a licence granted and countersigned as above, or for any period exceeding the number of days specified in such licences, shall be liable to a fine of five (5) rupees for every day that such unlicenced music shall be so used or employed.

Penalty.

Licences for public notices of sale &c.

(Appendix E.)

SECTION XIII.—*Clause* 1*st*.—All persons desirous of giving public notice by beat of battakee of the sale of any house, building, land, or other immoveable property, or of the sale of any goods or chattels, or of publicly offering or giving any other kind of lawful public notice by beat of battakee, shall obtain a licence in the mode prescribed in the preceding Section in the form of Appendix E, from either of the Magistrates of Police, and procure the countersignature of the Collector upon the same and the Collector previously to affixing his countersignature shall levy the following fees upon each licence respectively.

Rate of Assessment.

| | Rs. | qr. | rs. | |
|---|---|---|---|---|
| For giving public notice by beat of battakee of the sale of any house, land, or other tenement, at the rate of... | 2 | 2 | 0 | For each notice. |
| For giving the said public notice of the sale of any goods or chattels at the rate of..... | 1 | 0 | 0 | |
| For giving the said public notice of any reward that may be legally offered. or for any other public notice at the rate of..... | 1 | 0 | 0 | |

Penalty.

*Clause* 2*nd*.—Any person giving the public notice specified in the preceding clause without licence granted and countersigned as therein prescribed, shall be liable to a fine of rupees five (5) for every such offence.

Assessments &c. leviable by distraint and sale.

SECTION XIV—*Clause* 1*st*.—All fines, penalties and forfeitures incurred under this chapter shall be adjudged and determined, upon oath, by the Collector, if he be a Justice of the Peace, and, if not, then by any Justice of Peace acting within the Presidency of Bombay; and, in case of non-payment of any of the Assessments, surcharges, fines, penalties or forfeitures specified and become due by virtue of this or any preceding Section in this chapter, for the period of eight (8) days after the demand of the same, then, upon proof upon oath that such Assessment or surcharge has been duly made; or such fine, penalty or forfeiture has been duly adjudged, and such demand made, and no appeal, as hereinafter allowed, made or entered in the Court of Petty Sessions, before the Collector, if he be a Justice of the Peace, and, if not, then before any Justice of the Peace, (being the Justice before and by whom the conviction is taken, in case of any fine, penalty or forfeiture adjudged against any person) such Collector or Justice is hereby authorized and required to levy the same, on warrant under his hand and seal, by distress and sale of the offender's goods and chattels, and the overplus of the money raised, after deducting the amount due and the expences of distress and sale, shall be rendered to the owner:

*Clause*

*Clause* 2*nd*.—The warrant to be issued in levying by distress and sale shall be in the form contained in Appendix F:

Under Warrant. (Appendix F.)

*Clause* 3*rd*.—And if distress and sale, authorized under the two preceding clauses, shall not be sufficient to effect the discharge of the amount due, it shall be lawful for the Justice of Peace aforesaid, upon proof thereof upon oath, to commit the defaulter to the gaol of Bombay, there to remain for a period not exceeding one calendar month, provided, moreover, that the defaulter shall at any time be released upon payment of the amount due.

And finally imprisonment may be adjudged.

SECTION XV.—Any person, who shall feel himself aggrieved by any assessment, surcharge, fine or penalty demanded by the Collector or imposed by any Justice of Peace, in pursuance of the provisions contained in this Chapter, is at liberty to appeal to the Court of Petty Sessions, within eight (8) days after such demand, giving ten (10) days' notice of trial to the authority by whom the surcharge, fine, or penalty, was demanded or imposed, and the said Court is hereby authorized and required to affirm, reduce or disallow such assessment, surcharge, fine, or penalty, according as it may think just and equitable, and at its discretion to order, as to payment of the taxed costs of such appeal to be borne by either party, but, if the above prescribed ten (10) days' notice of trial has not been given, the Court shall dismiss the appeal, and confirm the assessment, surcharge, fine or penalty demanded, and the determination of the Court upon the appeal shall be final, and the Justice of Peace is hereby authorized and required to resort to distress and sale, and imprisonment as aforesaid, for the purpose of levying the amount adjudged by the Court of Petty Sessions, or, if no appeal has been duly entered, the amount demanded or imposed as aforesaid.

Appeal to Court of Petty Sessions.

SECTION XVI.—*Clause* 1*st*.—And it is hereby further ordained, that the amount of all the said payments so to be demanded and enforced as herein before provided, shall be, *in the first instance*, applied to the maintenance of the Police and of the public markets, and *secondly*, to the draining and improvement of the Island of Bombay, under the inspection and subject to the control of the Court of Petty Sessions aforesaid, which shall be empowered to make order on the Collector for disbursement of the sums required for the said purposes, and to call on him for accounts of the same on any occasion.

Application of the money levied.

*Control of the Petty Sessions over the disbursements relative to Police, public markets and improvements.*

*Clause* 2*nd*.—The said Court of Petty Sessions shall not be empowered to sanction the expenditure of any sum or sums of money under this Chapter beyond the established charges for the levy of the same without the previous sanction of the Governor in Council, to which authority the amount of such expenditure, and the completion of the work on which it was laid out, shall be reported by the said Court.

Sanction of Government necessary for expenditure beyond the established charges.

## CHAPTER III.

### RULES FOR LEVYING A TAX ON HOUSES, ON THE ISLAND OF BOMBAY, SITUATED BEYOND THE LIMITS OF THE TOWN OF BOMBAY, AND ON THE ISLAND OF COLABA.

SECTION XVII.—The House Tax shall be collected by the Collector of Bombay and the Officers of his establishment, under the Rules contained in Section IX, Clauses 2nd and 3rd, except that this Tax shall be collected annually.

Annual collection of the House Tax.

SECTION XVIII.—*Clause* 1*st*.—The Governor in Council shall appoint an Assessor, who, after taking and subscribing before the Senior Magistrate of Police the Oath contained in Appendix G, shall enter upon the discharge of his duties as hereinafter specified.

Appointment of an Assessor by Government. oath (Appendix G.)

*Clause* 2*nd*.—It shall be the duty of the Assessor to make an Assessment on dwelling Houses of every description on the Island of Bombay beyond the limits of the Town of Bombay, and on the Island of Colaba, save

Assessment to be 5 per cent. on annual value of Houses within limits spe-

cified whenever such annual value of one or more Houses to each proprietor is estimated at 20 Rupees and upwards.

save and except those hereafter excepted by this Regulation, the annual rent or value of which shall be estimated by the said Assessor at twenty (20) rupees and upwards, at the rate of five (5) per cent on such annual rent or value; and where two or more Houses, the annual rent or value of either of which shall be estimated by the said Assessor below twenty (20) rupees, shall belong to the same owner, the said Assessment shall be made, at the rate above stated, on the aggregate annual rent or value of such Houses, provided the said aggregate annual rent or value shall amount to twenty (20) rupees and upwards.

Exemption of religious edifices.

SECTION. XIX.—*Clause* 1*st*.—All religious edifices are hereby declared to be exempt from the payment of the said Tax.

And of temporary buildings within Military Cantonments occupied by officers and Soldiers

*Clause* 2*nd*.—All temporary Houses, Bungalows or other temporary buildings situated within the limits of Military Cantonments, and occupied by Europeans and Native officers, or by the Soldiers and Sepoys of her Majesty's and the Company's Army, shall be exempted from the payment of the said Tax.

Abatement on account of Houses unoccupied.

*Clause* 3*rd*.—Owners of Houses, which shall be unoccupied or uninhabited for three (3) successive months, or upwards, in any year, shall, on proof of the same to the Assessor, be allowed a proportional abatement of the Assessment on the said Houses for the said year; such abatement to be refunded at the end of the year, or carried to the credit of the following year's Assessment on the said houses, at the option of the owner.

Annual Assessment by the Assessor.

SECTION XX.—The Assessor shall annually make and return to the Collector of Bombay a new Assessment on all the Houses of the Islands of Bombay and Colaba, situated beyond the limits of the Town of Bombay and not excepted by this Regulation, as early as practicable, in each year, and immediately after the Assessment shall have been made and returned as foresaid, a notice in the form of Appendix H. shall be published in the newspaper used for Government Advertisements, specifying that the Assessor's Books are open to public inspection, for the period of one month from the publication of the said notice, at the office of the Collector of Bombay.

Notice of liberty for one month to inspect the Assessor's Book's. (Appendix H.)

Appeal to Court of Petty Sessions.

SECTION XXI.—*Clause* 1*st*.—Any person, who may be dissatisfied with the Assessment made on his House or Houses by the Assessor, shall be at liberty to appeal to the Court of Petty Sessions; which Court is hereby authorized and required to confirm, reduce or disallow the said Assessment in such a manner as to it may appear to be equitable and just, and to order, at discretion, the payment of the Taxed costs of such appeal by either party, and to certify such confirmation, reduction or disallowance to the Collector of Bombay, who is to recover the amount so confirmed or reduced accordingly.

How and when to be made.

*Clause* 2*nd*.—All appeals, to the Court of Petty Sessions must be made by petitions in writing during the month in which the Assessor's books lie open for public inspection at the Collector's office as aforesaid, and no further time shall be allowed for the presenting or receiving such appeal and ten days notice of trial must also be given by the appellant to the Collector, in default whereof the Court shall dismiss the appeal, and confirm the Assessment.

Non-payment of the tax how visited.

SECTION XXII.—If within the space of eight (8) days, after the amount of this Tax has been duly demanded from any individual, payment thereof be not made, then, upon proof thereof in the manner and before the authority specified in Section XIV. Clause 1st, the Justice of Peace before and by whom such proof is made, is hereby authorized and required to proceed as further directed in Section XIV in regard to the cases of non-payment therein provided for.

Appropriation of the tax.

SECTION XXIII.—*Clause* 1*st*.—This Tax shall be appropriated to the purposes of watching, improving, repairing and cleaning the Streets of the Town of Bombay, to the construction of drains, and to rendering the habitations of the Natives in other respects healthy and comfortable.

*Clause*

*Clause* 2*nd*.—The plans and estimates of any improvements which may be necessary for the purposes recited in the preceding clause shall, in the first instance, be prepared under the superintendence of the Court of Petty Sessions, and submitted to the consideration and approval of the Governor in Council, to which authority the completion and expence of the same shall also be reported by the said Court.

Plans of improvements to be sanctioned by Government.

*Clause* 3*rd*.—The said Court of Petty Sessions shall be empowered to make order on the Collector for any sums required for the preceding purposes, and to call on him for accounts of the receipts and disbursements on any occasion.

And to be under control of the Court of PettySessions.

## CHAPTER IV.

### RULES FOR LEVYING A TAX ON CARRIAGES AND RIDING HORSES, ON THE ISLAND OF BOMBAY.

Rate of Assessment on carriages and horses.

SECTION XXIV.—*Clause* 1*st*.—There shall be assessed and levied in the Island of Bombay:

On every four wheel carriage, 40 rupees per annum:

On every two wheel carriage on springs, 30 rupees per annum:

On every wheel carriage without springs, except such as are drawn by bullocks, 20 rupees per annum:

On every two wheel carriage used for riding and drawn by bullocks, 15 rupees per annum:

On every two wheel carriage used for carrying loads and drawn by bullocks, 5 rupees per annum:

On every riding horse, 6 rupees per annum.

Exemptions from the tax.

*Clause* 2*nd*.—Exemptions from the above Tax shall be allowed as follows:

The number of four wheel carriages on which Assessment shall be chargeable, shall not, though more should be kept exceed half the number of horses kept for drawing them, except that for a fractional quantity the next higher integral number shall be substituted:

The number of two wheel carriages on which Assessment shall be chargeable, shall not, though more should be kept, exceed the number of horses kept for drawing them or half the number of bullocks kept for that purpose, except that, in the latter case, for a fractional quantity the next higher integral number shall be substituted.

Each military officer shall be allowed two riding-horses exempt from assessment:

All carriages and horses employed by Government shall be exempt from assessment:

Such carriages and horses only shall be assessed as have been used on the public road during the quarter for which the Assessment is made;

A person who may not have resided on the Island of Bombay during the whole of the quarter for which an Assessment is made, shall not be included therein.

Quarterly list of horses and carriages assessable.

SECTION XXV.—*Clause* 1*st*.—The Assessor shall every quarter of a year make a list in writing of the number of horses and carriages assessable, according to the preceding section, in doing which he is empowered to demand from all persons, and all persons are enjoined to give to the Assessor, an account of such carriages or horses as they may have possessed during the said quarter liable to Assessment.

Abatement for any horse &c. sold during the quarter.

*Clause* 2*nd*.—The owner of any horse or carriage, who may by sale, or gift or otherwise divest himself *bona fide* of proprietary right in the same,

same, shall, on making a statement in writing of the said divesture, with the date, to the Assessor on or before the next quarterly Assessment, be allowed a proportional abatement in the Assessment.

Penalty for false statement.

*Clause* 3*rd*.—Any person convicted in the manner and before the authority specified in Section XIV Clause 1st, for adjudging fines, penalties and forfeitures, of wilfully giving a false account or statement of the matters mentioned in the two preceding clauses, shall be liable to a surcharge of quadruple the sum which the assessment on any carriage or horse misstated should have amounted to, according to the enactments of this regulation, and the said surcharge shall be levied in the way fixed for levying the assessment in the succeeding section.

Appeals of overcharge how to be made to the Court of Petty Sessions, whose decision is final.

*Clause* 4*th*.—Persons overcharged by assessment or surcharge may appeal to the Court of petty Sessions within eight (8) days' notice of the same, giving ten (10) days' notice of trial to the Assessor, which appeal the said Court shall hear and determine, unless notice has not been given, in which case the Court shall dismiss the appeal and confirm the assessment or surcharge, and the determination of the Court upon such appeal shall be final.

Duties of assessor to be performed by the Engineer attached to the Court of Petty Sessions; punishment of opposition to the assesor or failure to furnish information duly required.

SECTION XXVI.—*Clause* 1*st*.—The Engineer officer attached to the Court of Petty Sessions shall perform the duties of assessor, and shall make quarterly returns to the Collector of land revenue of the number of carriages and horses assessable and the amount, and names of the owners respectively, and if any person shall wilfully obstruct the assessor or any of his deputies in the due execution of such office, or shall refuse or wilfully and unnecessarily delay to give the list required by Clause 1st of Section XXV upon demand made under the authority of the assessor, he shall for such offence, upon conviction thereof on the oath of one or more credible witnesses before the Court of Petty Sessions, forfeit such sum as the said Court may adjudge, provided it does not exceed the sum of one hundred (100) rupees, and such penalty shall be recoverable by distress and sale of the offender's goods and chattles in the usual manner.

Mode of collection and levy by distress, and final resort to imprisonment.

*Clause* 2*nd*.—The Collector shall receive the amount of assessment or surcharge, or may collect it by means of the officers of his establishment, as adverted to in Clause 2d of Section IX, after receiving the return, and, in either case if it be not paid within eight (8) days after demand, then upon proof thereof in the manner, and before the authority specified in Section XIV. Clause 1st, the Justice of Peace, before and by whom such proof is made, is hereby authorized and required to proceed as further directed, in Section XIV. in regard to the cases of non-payment therein provided for.

Appropriation of the tax to a *road Assessment Fund*.

SECTION XXVII.—*Clause* 1st.—The amount collected, both as Assessment and surcharge, shall be paid into the treasury, and a distinct and separate account of it shall be kept under the title of the "*Road Assessment Fund*" and shall be applied exclusively to the repair and improvement and construction of public Roads on the Island, situated without the limits of the Town of Bombay, under the inspection and control of the Court of Petty Session; provided that the said Court shall not be empowered to sanction any expenditure beyond the established charges of the department, without the previous consent of the Governor in Council.

Under the control of the Court of Petty Sessions.

With consent of Government to extraordinary charges.

Order for disbursements to be made by the Petty Sessions, to which Court the Collector will furnish accounts.

*Clause* 2*nd*.—The Court of Petty Sessions is empowered to make order on the Collector for disbursement of such sums as may be required for the purposes mentioned in the preceding clause, and the Collector shall lay before the said Court annually, and also, whenever required, an account of all receipts and disbursements.

Reports to be made by the Court of Petty Sessions.

SECTION XXVIII.—The Court of Petty Sessions shall lay before the Governor in Council, from time to time, plans of such repairs and improvements and constructions of public roads; as may occur, with estimates of the

of the expense of executing them, and if approved of, shall carry them into effect as laid down in the preceding section: it shall also report to the Governor in Council the completion of such works and the expense attending it.

## CHAPTER V.

### RULES FOR GIVING NOTICE TO THE COLLECTOR OF BOMBAY OF THE TRANSFER OF THE POSSESSION OF LANDS, HOUSES, OR TENEMENTS SUBJECT TO QUIT OR GROUND RENTS.

Notice of transfer of lands &c to be given to the Collector within 20 days.

SECTION XXIX.—Whenever the possession of any lands, houses, or tenements subject to the payment of quit or ground rents to Government shall be transferred, the person or persons transferring the same, and the person or persons to whom such possession shall be transferred, shall respectively cause notice thereof to be given to the Collector of Land Revenue in Bombay within twenty (20) days after such transfer shall be completed, and every person neglecting to give such notice, on conviction thereof in the manner and before the authority specified before in Section XIV. Clause 1st, or by confession the said authority, shall forfeit and pay the sum of ten (10) Rupees, and, in case such penalty shall not be forthwith paid, it shall be lawful for the Justice of Peace, before whom the conviction took place, to proceed as further directed in Section XIV. in regard to the cases of non-payment therein provided for; and every person transfering the possession of such lands, houses or tenements, without giving such notice, shall be liable, moreover, and under the same course of proceedings as in case of forfeiture, for such neglect, to the payment of the said quit and ground rents till such notice shall be given.

Penalty.

## CHAPTER VI.

### RULES FOR LEVYING FEES IN THE COURT OF PETTY SESSIONS, AND IN THE OFFICES OF THE MAGISTRATES OF POLICE.

Fees leviable in the Court of Petty Sessions and Police offices

SECTION XXX.—*Clause 1st.*—The following fees shall be levied in the Court of Petty Sessions and in the offices of the Magistrates of Police on the Island of Bombay:

| | Rs. | qr. | rs. |
|---|---|---|---|
| For every complaint instituted when filed in the office of a Magistrate of Police..... | 0 | 2 | 0 |
| For every complaint instituted when filed in the Court of Petty Sessions..... | 1 | 0 | 0 |
| For summoning each party to answer before the Magistrate..... | 0 | 1 | 0 |
| For summoning each party to answer before the Court of Petty Sessions ..... | 0 | 2 | 0 |
| For summoning each witness to attend in the office of the Magistrate, and for each person sworn, if the fee for summoning has not been paid..... | 0 | 0 | 50 |
| For summoning each witness in the Court of Petty Sessions, and for each person sworn, if the fee for summoning has not been paid ..... | 0 | 1 | 0 |
| For every voluntary affidavit..... | 1 | 0 | 0 |
| For granting each certificate to the commanders of ships, on their arrival at, and departure from, the port of Bombay, payable on the delivery of the *role d' equipage* of their vessels..... | 5 | 0 | 0 |
| For every commission to a Patell, Mukadum or Chogla of a Caste..... | 1 | 0 | 0 |
| For every passport issued by the Senior Magistrate to Europeans..... | 2 | 0 | 0 |

How to be levied and in what cases remitted.

*Clause 2nd.*—The above fees shall be levied from the party at whose instance the respective process or matter may be undertaken, which shall be

CHAPTER VI.

shall be withheld until payment is made, unless the party be unable to defray the charge, or the Magistrate or Court from some other cause consider it inexpedient to demand it, in which case it shall be remitted; such remission, with the reasons for it, shall be entered in the complaint book to be kept at the office.

By whom to be levied.

SECTION XXXI.—*Clause 1st.*—The Clerk of the Petty Sessions for the time being shall receive the whole fees abovementioned, and is hereby authorized and empowered himself to levy them, or to appoint, at each office of Police, some proper person, who shall levy the sums taken in pursuance of the provisions of this Chapter, and shall be accountable to him for all such sums.

Disposal how to be made and accounts how to be furnished.

*Clause 2nd.*—The Clerk to the Petty Sessions shall, half yearly, on the 1st day of January and the first day of July, furnish the Court of Petty Sessions with an account of the fees levied for the half year preceding, and pay the balance of such account into the hands of the Sub-Treasurer for the benefit of the County Fund; and the said Clerk of the Petty Sessions shall lay the said accounts before the Governor in Council or Her Majesty's Justices, whenever required.

## APPENDIX A.

(*See Section* VI.)

*Form of oath to be taken by the Revenue Judge.*

I, A. B. appointed Revenue Judge of Bombay, do solemnly swear, that I will, in the adjudication of the suits brought before me for decision administer justice faithfully and impartially, conformably to the Regulations, to the best of my ability, knowledge and judgment, without fear favour, promise or hope of reward, and that I will not directly or indirectly derive, nor suffer any person under my control to derive any emolument or advantages from my station, excepting such as the orders of Government do or may authorize.

So help me God.

Signed A. B.
Revenue Judge.

## APPENDIX B.

(*See Section IX Clause 1st.*)

*List of the rates at which shops and stalls, within the Bombay division of the Town and Island of Bombay, shall be assessed according to Regulation XIX, A. D. 1827.*

| Discription of Shops or Stalls. | Rate to be paid per quarter. Rs. | qr. | reas. |
|---|---|---|---|
| Attarees or perfumers, | 1 | 2 | 0 |
| Aullers, | 0 | 1 | 20 |
| Bakers, | 0 | 3 | 80 |
| Bangle sellers, | 1 | 2 | 0 |
| Bhutiars, or country eating houses, | 0 | 3 | 0 |
| Billet wood sellers, | 0 | 1 | 20 |
| Brick makers, | 0 | 3 | 0 |
| Carpenters, | 0 | 3 | 0 |
| Cattle Butchers (slaughterers,) | 1 | 2 | 0 |
| Cattle Butchers (sellers,) | 1 | 0 | 0 |
| China-ware shop-keepers, | 1 | 2 | 0 |
| Chowkeseys or repairers of jewels | 1 | 1 | 0 |
| Chunam sellers, | 1 | 0 | 0 |
| Cloth shops, | 1 | 0 | 0 |
| Cooleys, | 0 | 0 | 48 |
| Coppersmith | | | |

## REGULATION XIX. A. D. 1827.

| Description of shops or stalls. | Rate to be paid per quarter. Rs. | qr. | reas. |
|---|---|---|---|
| Coppersmiths,.... | 1 | 0 | 0 |
| Cotton sellers,.... | 0 | 1 | 20 |
| Dyers,..... | 1 | 0 | 0 |
| Earthen pot makers,.... | 0 | 0 | 48 |
| Europe shops ( including the shops of natives, whole-sale purchasers of European investments, ).... | 5 | 0 | 0 |
| Fowl sellers,.... | 0 | 1 | 20 |
| Fuddia, or Grain retailers,..... | 1 | 0 | 0 |
| Goat Butchers,..... | 0 | 3 | 84 |
| Goldsmiths,..... | 1 | 2 | 0 |
| Ironsmiths,..... | 0 | 1 | 20 |
| Leather Merchants,..... | 0 | 1 | 20 |
| Liquor sellers,.... | 0 | 0 | 96 |
| Mat makers,..... | 0 | 1 | 20 |
| Milk sellers,.... | 0 | 0 | 60 |
| Mutton Butchers,..... | 0 | 3 | 84 |
| Oil makers,.... | 1 | 0 | 0 |
| Pearl and Coral sellers,.... | 2 | 0 | 0 |
| Pice shop-keepers,.... | 5 | 0 | 0 |
| Polishers..... | 0 | 1 | 20 |
| Rattanners,.... | 0 | 1 | 20 |
| Rice sellers,..... | 0 | 0 | 96 |
| Ruffoogers, or repairers of Shawls &c..... | 0 | 1 | 20 |
| Seed shops,..... | 1 | 1 | 0 |
| Shoemakers,..... | 0 | 1 | 20 |
| Straw sellers,..... | 1 | 2 | 0 |
| Sweetmeat makers,.... | 1 | 0 | 0 |
| Tailors,.... | 1 | 0 | 0 |
| Toddy sellers,..... | 0 | 0 | 60 |
| Turners,..... | 1 | 0 | 0 |
| Wood Warehouse, 1st Class..... | 1 | 2 | 0 |
| Wood Warehouse, 2d Class..... | 0 | 3 | 0 |

## APPENDIX C.

*( See Section IX Clause 1st. )*

*List of the rates at which shops and stalls within the Mahim division of the Town and Island of Bombay, shall be assessed according to Regulation XIX, A. D. 1827.*

| Description of shops or stalls. | Rate to be paid per quarter. Rs. | qr. | reas. |
|---|---|---|---|
| Aullers,.... | 0 | 1 | 16 |
| Bangle sellers,..... | 1 | 0 | 0 |
| Billet wood warehouse,..... | 0 | 3 | 0 |
| Bhundarys,..... | 0 | 0 | 84 |
| Choochia or Bhussary, | 0 | 0 | 84 |
| Chunam Kilns,..... | 1 | 2 | 0 |
| Cloth sellers..... | 1 | 0 | 0 |
| Coppersmiths,..... | 1 | 0 | 0 |
| Fish sellers ..... | 0 | 0 | 60 |
| Goldsmiths,..... | 1 | 2 | 0 |
| Hoondias, of Ferias..... | 1 | 0 | 0 |
| Ironsmiths,..... | 0 | 1 | 20 |
| Mat Makers..... | 0 | 0 | 52 |

Milk sellers

## REGULATION XIX. A. D. 1827.

| Discription of shops or stalls. | Rate to be paid per quarter. Rs. | qr. | reas. |
|---|---|---|---|
| Milk sellers | 0 | 0 | 84 |
| Painters | 0 | 1 | 16 |
| Parah chopping | 0 | 0 | 60 |
| Pot makers, | 0 | 0 | 52 |
| Seed shops, | 1 | 1 | 0 |
| Shroff, pice sellers | 1 | 0 | 0 |
| Shoemakers, | 0 | 1 | 20 |
| Sweetmeat sellers, | 1 | 0 | 0 |
| Tailors, | 0 | 1 | 20 |
| Wood sellers ( in bundles ), | 0 | 1 | 20 |

## APPENDIX D.

*(See Section XII. Clause 1st.)*

*Form of Licence for using Country Music without doors.*

No.

The bearer A. B. has permission, on procuring the countersignature of the Collector to this licence, to use country music without doors, pursuant to Regulation XIX, A. D. 1827, Section XII, for the period of——days from this date.

( Signed ) C. D.

*Magistrate of Police.*

Bombay Police Office
——————18—,

## APPENDIX E.

*( See Section XIII Clause 1st. )*

*Form of licence for giving public notice by beat of Battakee*

No.

The bearer A. B. has permission, on procuring the countersignature of the Collector to this licence, to give Public notice by beat of battakee, pursuant to Regulation XIX. A. D. 1827, Section XIII, on the ( here enter the date or dates when the notice is to be given ) that ( here enter the substance of the notice. )

( Signed ) C. D.

Bombay Police Office, *Magistrate of police.*

——————18.—.

## APPENDIX F.

*(See Section XIV. Clause 2nd)*

*Form of warrant for the levy of an assessment, surcharge, or fine by distress.*

To ( name of the person charged with the execution of the warrant. )

Whereas in conformity with the regulation for the Assessment of (here mention the object of assessment generally ) A. B. was duly rated and assessed ( *or* surcharged *or* fined, *as the case may be* ) on account of ( here enter, with such particulars as may be requisite, the precise object of assessment, surcharge or fine owned or used by the individual proceeded against, and, in the latter case, whether with or without licence) for the period of——in the sum of rupees——being at the rate of——as prescribed by Section——Regulation XIX. A. D. 1827; and whereas it duly appeareth before me, that the said sum of rupees——has been lawfully demanded of the said A. B. for the space of eight ( 8 ) days past and upwards, and that the said A. B. hath refused, and doth refuse to pay the same

same. These are therefore to require you forthwith to make distress of the goods and chattels of him the said A. B. and if witthin the space of eight (8) days next after such distress by you taken, the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and, out of the money arising by such sale, that you detain the said sum of rupees——and also your reasonable charges of taking keeping and selling the said distress, rendering, to him the said A. B. the overplus ( if any be ) on demand ; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal this ———day of———in the year of our Lord 18.—

Justice of Peace.

## APPENDIX G.

(*See Section* XVIII. *Clause* 1*st.*)

*Form of Oath to be taken by an Assessor appointed under Section XVIII Regulation XIX. A. D.* 1827.

I, A. B. appointed to assess the house tax for the Island of Bombay beyond the limits of the town, and for the Island of Colaba, do swear, that I will assess the tax on the houses upon the Island of Bombay beyond the limits of the town, and upon the Island of Colaba, fairly and impartially according to the rules prescribed in this Regulation, and that I will make a true return of the same to the Collector of Bombay.

So help me God.

( Signed ) A. B.

*Assessor.*

## APPENDIX H.

(*See Section XX.*)

*Form of notice, that the Assessor's Books are open to public inspection.*

NOTICE IS HEREBY GIVEN,

That the Assessor's book for the Island of Bombay beyond the limits of the Town, and for the Island of Colaba, containing the assessment on houses made and assessed according to Regulation XIX. A. D. 1827 now lies open at the Bombay Collectors Office, and may be inspected from the——of——to the——of——by all persons concerned, every day, (Sundays excepted ) during the usual hours of business ; and notice is hereby further given, that no appeals against the said assessment will be received after the said——of——next, on or before which day a written statement of every appellant's case must be forwarded to the Court of Petty Sessions; in failure whereof, the assessment will be enforced according to the provisions of the Regulation aforesaid.

Bombay Collectors Office,

——of——18—.

(Revenue Branch,)

# REGULATION XX. A. D. 1827.

A REGULATION *for the collection of Customs and Duties by Sea and Land, including rules for the control to be exercised by the Officers of the Marine and Sea Custom Department over coasting vessels and smaller Craft.*—PASSED *by the Governor in Council on the 1st January* 1827, *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbaham* 1748, *and 2nd Jummadyool Akhir* 1242, *of the Hijree.*

Preamble.

WHEREAS it is expedient that rules should be provided and promulgated for the collection of Customs and Duties by Sea and Land, and for securing a due control over Coasting Vessels and harbour Craft; and whereas various changes, which it is desired to introduce in the rates of Customs, require, in conformity with the Statutes of the British Legislature, to be first sanctioned by the Court of Directors, and approved by the Board of Control, which circumstance renders it necessary to maintain in force for the present the existing Rules for determining the rates of Customs at the Presidency of Bombay and in the Territories subordinate thereto, and the Rules for the Sea Custom Department in general at the Presidency with a few exceptions, the following rules have therefore been enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

### EXISTING ENACTMENTS TEMPORARILY MAINTAINED IN FORCE, IN SOME POINTS WITH REFERENCE TO THE PRESIDENCY AND GUZERAT AND IN OTAERS WITH REFEREFCE TO THE PRESIDENCY ALONE NAD IN OTHERS EXTENDED TO GUZERAT AND THE KONKANS.

Certain existing enactments maintained in force for the Bombay Territories except the Konkans.

SECTION I.—*Clause 1st.*—The herein quoted enactments (with the exceptions mentioned in clause 2nd of this section, and in section II, as well as with the exception of any other parts which may be found to relate to Opium, Spirituous Liquors, Tobacco, Ganza, or Snuff, and of such parts as may have been rescinded by any of the said quoted enactments) shall continue to be of force as at present at the Presidency of Bombay, and the subordinate Territories to which they are respectively applicable:

| | | | |
|---|---|---|---|
| | REGULATION VI, A. D. 1799. | | |
| So much of Regulation | IX | 1800 | as relates to the rate of duties. |
| Regulation | I | 1803 | |
| ——— | I | 1805 | |
| ——— | I | 1810 | |
| ——— | II | 1810 | |
| ——— | X | 1813 | |
| ——— | VI | 1814 | except (with respect to subordinates) so much as relates to the mode of conducting confiscations. |
| ——— | VIII | 1814 | |
| ——— | XIII | 1815 | |
| ——— | V | 1816 | |
| ——— | VIII | 1816 | so far as regards the Presidency. |
| ——— | X | 1816 | |
| ——— | II | 1817 | |
| ——— | VI | 1818 | |
| ——— | II | 1821 | |
| ——— | II | 1826 | so far as regards the Presidency. |

Parts of the said enactments rescinded.

*Clause 2d.*—The following parts of the above quoted enactments are rescinded as relating to articles, for which specific rules regarding the levy of Customs are contained in Regulation XXI, A. D. 1827.

The seventh, ninth, tenth, and twenty-first Clauses of Section VIII, Regulation VI, A. D. 1799:

So much of the first Clause of Section VI, Regulation I, A. D. 1803, as relates to Tobacco.

Section XV, Regulation I, A. D. 1803.

So much of Section XVIII, Regulation I, A. D. 1803, as relates to Liquors and Tobacco.

Sections VII and IX, Regulation I, A. D. 1805,

Section V, Regulation I, A. D. 1810.

The 3d Clause of Section V, Regulation XIII, A. D. 1815.

# REGULATION XX. A. D. 1827.

So much of the Tariff of Duties mentioned in Regulation II, A. D. 1817, as relates to Spirituous Liquors imported at the Presidency.

Penang, Bankot and Gogo admitted to the certificate privileges granted by Regulation to certain other ports.

*Clause 3rd.*—The ports of Penang, Bankot, and Gogo are hereby declared open to the certificate privileges specified in the sixth clause of Section VIII and in Sections IX, and X, Regulation VI, of 1799, and Section IV, Regulation I of 1805: the period for producing the certificate, as alluded to in the last quoted section, is for Penang, one hundred and eighty (180) days, and for Bankot and Gogo twenty one (21) days.

Recision, (except as excepted) for the rules for the levy of customs at Bombay on the particular invoice and actual market prices.

SECTION II,—*Clause 1st.*—Such parts of Regulation VI of 1799 and Regulation I of 1805, as prescribe that the Government Customs on Goods imported at Bombay shall be levied on the invoice values and market prices, at the time of entry, of each importation of Goods, are (except as maintained in force by this Section,) hereby rescinded.

Customs to be levied according to a Tariff list to be framed from invoices and market prices.

*Clause 2d.*—The value of all Goods imported into Bombay, upon which Sea Customs are leviable, with the exception of those adverted to in Clauses 3d and 4th, shall be determined, as specified in a Tariff list, to be framed (in regard to Goods upon which the Government Customs have heretofore been levied on the invoice value of each importation) from *bonâ fide* invoices to be applicable to all importations, and (in regard to Goods which have heretofore paid Duty on their market price at the time of entry) from the average market price for a period of three (3) years: the said Tariff list shall be prepared by a Committee to be appointed by Government, and composed of the Collectors of Sea Customs and Land Revenue of Bombay, and two more respectable Merchants, and after being sanctioned and promulgated by Government, shall be of force: a copy shall be kept open to public inspection at the Custom House, and it shall be otherwise published as Government may direct: it shall be revised as originally prepared, triennially, or oftener, if thought necessary by Government, and the Tariff list framed on revision shall, on being sanctioned and promulgated as above specified, be of force in supersession of the former one.

And revised and corrected as required.

Certain goods pay duties on each actual invoice, (Appendix A.)

*Clause 3d.*—The articles specified in Appendix A. to this Regulation shall continue to be valued, and to pay duties, as heretofore, according to the invoice cost of each importation.

Goods which pay neither by Tariff nor invoice will pay by market prices (Appendix B.)

*Clause 4th.*—All articles not specified either in the Tariff list, or in Apppendix A, to this Regulation, shall continue to be valued, and to pay Duties, as heretofore, according to the market rates at the time of entry: a list of the principal articles coming under this clause will be found in Appendix B to this Regulation.

Advances are added as heretofore.

*Clause 5th.*—Advances according to the established rates shall continue to be discharged upon the value of all Goods, whether determined by Tariff, or by invoice cost, to the value of which they have heretofore been added, and the established duties shall be levied on the aggregate.

Certain enactment applied to Guzerat and the Konkans.

SECTION. III.—*Clause Ist.* The following enactments, as maintained in force for the Presidency, are hereby declared applicable to Guzerat and the Konkans:

Section XXIII, Regulation I of 1805 prohibiting the export of Spirits to Botany Bay:

Section VII, Regulation X of 1813, prohibiting the export of Woollens to China.

and others to the Konkans.

*Clause 2d.*—The following Enactments, as maintained in force for the Presidency and Guzerat, are hereby declared applicable to the Konkans:

Regulation X of 1813, relates to the trade of foreign Europeans and Americans with British India:

So much of Regulation VI of 1814 as renders subject to confiscation Goods illegally brought from the Bengal or Madras Territories:

Regulation XIII of 1815, relative to the trade between the United Kingdom and India:

Regulation V of 1816, containing prohibitions on the export of Saltpetre:

Regulation II of 1817, relative to the trade between the United Kingdom and India.

Regulation VI of 1818 and II of 1821, relative to the trade of foreign Europeans and Americans with British India.

## CHAPTER II.

### OF ESTABLISHMENTS FOR COLLECTING SEA CUSTOMS IN THE TERRITORIES SUBORDINATE TO BOMBAY AND OF THEIR INTERNAL MANAGEMENT.

Appointment of the Collector of Sea Customs and his establishment.

SECTION IV.—*Clause Ist.*—A Collector of Sea Customs shall be appointed by the Governor in Council at such place or places, within the limits of the Territories subordinate to Bombay, as may seem to the Governor in Council expedient, together with such establishment as may be deemed efficient and necessary.

The ports in the Konkans will be notified by Government.

*Clause 2d.*—The ports in the Konkans, at which Goods may be imported or exported, shall be announced by an order from the Governor in Council, and notified by a written

description being kept constantly affixed at all Offices or Kucheries where Custom House business is transacted.

SECTION V.—Each Collector of Customs, and every Covenanted Servant placed under him, shall previously to entering on the duties of his office, take and subscribe before the Governor in Council, or any preson whom he may commission to administer it, an oath according to the form in Appendix C.

Oath to be taken by the Collector his Deputy and Assistants. (Appendix C.)

SECTION VI.—*Clause 1st.* It shall be the duty of the Collector of Sea Customs to cause to be collected by his establishment, according to the rules enacted for that purpose, the Customs sanctioned by enactment, and to direct the duties to be performed by the officers of his establishment as authorized by Regulation, and to superintend generally the due performance of such duties, noticing, as the case may require, any dereliction of them, to maintain the requisite correspondence with Government, and to suggest such rules as may appear to him calculated to improve the branch of Revenue Committee to his charge, or the system of collecting it.

Duties of the Collector.

Clause 2d.— The Collector of Sea Customs may depute any of the officers of his establishment, being Covenanted Civil Servants, to exercise the whole, or any part of the authority vested in himself by regulation, except corresponding with Government, and he may employ Native Superintendents to collect customs at specified places.

Deputed power of civil servants on his establishment, and of native superintendents.

SECTION VII.—The Collector of Customs, his Deputies, his Convenanted and all other Assistants, and Native Officers, are amenable for acts done in their official capacity to the Zilla Court, and the rules prescribed in regard to suits against officers in the Land Revenue Department are applicable to suits instituted under this Section.

The collector and all persons under him amenable to the local Zilla Court for official acts.

SECTION VIII.—*Clause 1st.*—Should any person dispute, or refuse or omit payment of the established duties, without any clandestine attempt to evade them, the goods shall be seized and deposited in some place of safe custody, and if the duties be not paid at the expiration of three (3) months, the said goods shall be publicly sold, and, after deducting all charges due, the balance shall be paid to the owners on application: the owners, if they consider themselves aggrieved, may seek redress by suit in the Court having jurisdiction at the place where the transaction may have occurred.

Goods on which the duties remain unpaid, without any clandestine attempt to evade payment, how to be disposed of.

*Clause 2d.*—The Collector of Customs is however authorized to pass, at his discretion, free of duty, presents sent by Native Princes to their Vakeels, or others, as also the private baggage and property of individuals, or parcels or necessaries for their personal use, whether on import or re-import, or export, or re-export, provided he shall be satisfied that no articles contained therein are intended for sale, but that the whole are *bonâ fide* for the private use of the parties; but no other exemptions not specified in this Regulation are allowed except by special order of Government.

The Collector vested with a discretionary power to pass certain articles free of duty.

SECTION IX.—The Collector of Sea Customs shall report to the Governor in Council whenever any Arms, Ammunition and Military Stores (with the exception of Fowling Pieces, Pistols or other Arms, in the possession of individuals, for private use are on board or have been landed from any vessels; the report shall specify the nature and quantity of the same, with the names of the vessel, and commander, and consignor and consignee.

Military stores on board or landed to be reported to Government.

SECTION X.—*Clause 1st.* The offices for the collection of Customs shall be open from half past nine o'clock in the morning till five o'clock in the evening, on all days except those specified in Appendix D; and goods passed without the special leave of the person in charge of the collection of Sea Customs through any Sea Custom House at any other time than that above specified shall be liable to confiscation.

Hours during which the Custom Offices are to be open,
(Appendix D.)

*Clause 2d.*—It will be the duty of the Collector of Customs to see, that favour is not shewn to any person in the despatch of business, and that the preference is invariably given to the prior application.

No favour to be shewn in the dispatch of business.

## CHAPTER III.

### RULES REGARDING CORRUPT BREACH OF DUTY BY NATIVE OFFICERS IN THE DEPARTMENT OF SAE CUSTOMS AT SUBORDINATES.

SECTION XI.—Any native officer employed in the collection of Sea Customs in the Zillas subordinate to Bombay, who shall be guilty of a wilful breach of the rules enacted for collection of Sea Customs, of levying duty on articles not chargeable therewith, or of unauthorizedly detaining goods, or exacting a fee or valuable consideration of any sort, or receiving any nuzzer or present, shall, besides dismission from office, be liable to punishment under the rules contained in Sections IX and XI. of Regulation XVI, and in Section XVI of Regulation XVII, A. D. 1827 relative to the mode of punishing native officers of the Land Revenue: the party aggrieved may also sue the offender in the proper Civil Court for damages.

Breach of duty in custom house officers at subordinates punishable criminally as in land revenue officers.

and a civil suit may also be instituted.

## CHAPTER IV.

### RULES TO BE OBSERVED ON THE ARRIVAL OF VESSELS AND FOR LANDING AND TRANSHIPPING GOODS AT THE PORTS OF GUZERAT AND THE KONKANS.

SECTION XII.—*Clause 1st.*—The Commander, Nakhoda, Serang, or Tindal or Supercargo or Kuranee of any vessel arriving at a port subordinate to Bombay, shall

The commander of any vessel arriving must furnish his manifest within

24 hours afters arrival unless a longer period is allowed, and if required must swear to the truth of it. (Appendix E.)

within twenty four (24) hours after arrival, unless a further period be allowed by the officer in charge of the Custom Department at the port on explanation given, furnish his manifest in the form contained in Appendix E, and if required, shall attest on oath the truth of it.

the manifest when to be signed by the custom house officer of the port of export and when by the commander or supercargo of the vessel.

*Clause 2nd.*—Should the vessel have arrived from a port subordinate to Bombay the manifest to goods exported from thence shall bear the signature of the officer in charge of the Customs at the port of export, and every officer is hereby enjoined to furnish such manifest, of the correctness of which the commander must before leaving port satisfy himself: the manifest of goods exported from places not subordinate to Bombay shall be signed by the commander or supercargo.

Manifest and Bill of lading to be produced by natives in command of ships and by all coasting vessels.

the collector of customs may always require for inspection original invoices &c.

*Clause 3rd.*—All natives in command of vessels, Nakhodas, or Serangs or Tindals of Dows, or Dingees, or other craft employed in the coasting trade, shall also produce the bills of lading or Satnees for the examination of the Native Inspector, who is to countersign their manifest if found to correspond with the said bills of lading: the Collector of Sea Customs is also authorized to require for examination the original invoices, or bills of all goods imported, when he shall think it necessary:

Lascars not required to manifest private property for personal use.

*Clause 4th.*—Lascars of ships and boats shall not be required to deliver manifests of goods their own private property, *bonâ fide* intended for personal use.

Goods free of duty to be included in the manifest.

SECTION XIII.—Such merchandize or cargo, of whatever sort, as may be free from payment of customs is notwithstanding to be manifested in the way directed in the preceding Section, in order that the extent of the trade may be known.

No goods to be landed or shipped without a permit, and until all established rules have been complied with.

SECTION XIV.—*Clause 1st.*—No goods shall be landed or passed for embarkation or transhipment without a note or permit signed by the officer in charge of the collection of Customs at the place, and which is not to be granted, if any enacted rule, which ought to have been previously observed, has not been complied with, and great care is to be taken, that the goods landed or passed do not differ from those specified, either in quantity or in quality: previously to granting such permit, a deposit, if deemed necessary, is to be made, equal to the amount of the bill for customs on the whole cargo, but the officer in charge of the collections at the place will be held personally responsible, that so soon as the goods are landed or embarked, the bill shall be adjusted and brought to account.

A deposit equal to the amount of customs due may be required before the goods are permitted to be landed or shipped when the bill must be adjusted.

Confiscation of goods is incurred by attempting to remove them without permit or to land them without manifest, or by exporting them from a subordinate port without a Custom House manifest.

*Clause 2nd.*—Any goods attempted to be landed or embarked or transhipped without the aforesaid permit, or attempted to be landed without having been specified in the manifest, shall be liable to confiscation: also goods exported from a port subordinate to Bombay without having been manifested in the mode prescribed in that case in Section XII, Clause 2d.

All goods to be landed at the established Custom House; penalty of a breach of this rule.

SECTION XV.—All goods imported by Sea shall be landed at the established Custom House Offices, unless by express permission of the Collector of Sea Customs; and if landed or attempted to be landed, either clandestinely or otherwise at any other place without such permission, they are declared liable to confiscation.

Exception to the rule prescribed in Clause 1st Section XIV. and in Section XV.

SECTION XVI.—The Collector of Customs may dispense, at his discretion, with the enforcement of the penalty prescribed in clause 1st of Section XIV, and in Section XV, when without any fraudulent intent goods may be landed, shipped, or passed not strictly in conformity with the regulations.

Penalty where the goods differ from what is expressed in the manifest.

SECTION XVII.—If more goods are found to have been landed than expressed in the manifest, the excess shall be confiscated; if a less quantity than expressed in the manifest be found to have been landed, and it be not produced on board, the value of the deficiency shall be levied as a penalty, on presumption that means have been found to make away with it, provided however, that in case of either excess or deficiency not amounting to a greater proportion than ten (10) per cent, such deviation from the manifest shall not incur the penalties recited.

The examination of goods to be conducted according to settled rules, in the English and local languages.

SECTION XVIII.—The examination of goods shall be conducted according to settled and uniform rules to be established by the Collector of Sea Customs, and sanctioned by Government, and a particular description of these rules, in the English language, and such native languages as may be in general use at the respective place, shall be fixed up in some conspicuous place, in the Office for the collection of the Customs, and any individual any way opposing their enforcement will be deemed to have himself occasioned the delay which may result, and the consequences arising therefrom.

Such rules to be fixed up in some conspicuous place.

Registers to be kept of all goods imported, whether liable to or exempt from duty.

SECTION XIX.—A daily register shall be kept of the quantity and value of all goods imported, paying duty, and a separate register of all articles imported free of duty.

## CHAPTER V.

### OF THE REGISTERING AND MARKING OF VESSELS IN GUZERAT AND THE KONKANS, OF PASSES, AND OF THE DEPARTURE OF VESSELS FROM THE PORTS OF THE SAID PROVINCES.

All vessels belonging to subordinates to be registered.

SECTION XX.—*Clause* 1st.—All vessels of every description employed as fishing vessels on the coasts of Guzerat and the Konkans, or in the coasting trade between the ports of Guzerat and the Konkans, or between any places subject to the Govern-

ment of Bombay, and belonging to any place subordinate to Bombay, shall be registered, with the names of their owners and commanders or tindals, in registers to be kept at such places in Guzerat and the Konkans, and in such forms as Collectors of Sea Customs in those provinces shall direct.

And when registered to be branded and marked.

*Clause 2nd.*—When a vessel is registered, the Collector of Sea Customs, or an Officer in his Department shall be careful that she is branded with the initial letters of the name of the place, harbour or port to which she may belong, and with a number; the letter and number to be also painted on each quarter and on the stern one foot in length, black on a white ground, leaving a margin of white three inches in breadth.

Tindals of fishing vessels and other harbour craft must keep the marks of their vessels undefaced or give notice that they require to be renewed.

*Clause 3rd.*—The tindals of fishing vessels, and other harbour craft shall cause the marks of their respective vessels to be renewed whenever not sufficiently conspicuous, or shall give information to the officer in charge of the collection of Sea Customs at the place, whose duty it will then be to see that this operation is performed.

Penalty.

*Clause 4th.*—Fishing vessels and other harbour craft (for which a pass is not required) found plying in the ports, and on the coasts of Guzerat and the Konkans without being marked as above directed in a sufficiently conspicuous manner, will be deemed to be illicitly employed, and will be liable on discovery and seizure to confiscation; provided however, that this penalty shall not be enforced, if the tindal shall in lieu thereof pay to the Collector of Sea Customs on the first occasion a fine of one (1) Rupee, and on the second a fine of three (3) Rupees; but on the third occasion the vessel shall be confiscated,

Pass to be procured by coasting vessels.

SECTION XXI.—*Clause 1st.* The owner or commander of each vessel of any description employed and navigated in the coasting trade between the ports in Guzerat and the Konkans, and the ports or coasts adjacent, or between any place within the territories subordinate to this Presidency, shall procure, according to the subsequent rules contained in this chapter, from any Collector of Sea Customs, and have on board a pass in the form of Appendix F, to be produced whenever demanded by any Officer of the Customs, or of the Hon'ble Company's Marine, and the said pass, shall be registered at the Custom House from whence procured, and a copy thereof forwarded to the Superintendent of Marine.

(Appendix F.)

On application, which if the vessel belong to a subordinate port must state that she is registered and specify her mark.

*Clause 2nd.*—Each application for a pass shall, if the vessel belong to any port in Guzerat or the Konkans, set forth that the vessel has been registered in the mode prescribed in Section XX, and shall specify her mark, and certify that it is clear and undefaced.

And must be accompanied by a certificate, if the vessel be above 20 candies burthen, that the owners are house holders of Bombay or a subordinate place.

*Clause 3rd.* It shall also, if the vessel be above twenty candies burthen, be accompanied by a certificate from two or more merchants of respectability, stating that the owner or owners of the vessel, is or are a householder, or householders at the Presidency, or some place subordinate to it, and that the owner, or one of the owners, resides there permanently:

Survey of the vessel.

*Clause 4th.*—The Collector of Sea Customs shall cause the vessel to be surveyed and measured, and the particulars thus ascertained to be inserted in the pass according to the form in Appendix F. a fee shall be paid for each pass according to the following rules, viz.

Fees payable on the pass.

| | |
|---|---|
| For a vessel of not more than 20 candies burthen..... | 1 Rupee. |
| For a vessel of above 20 and not exceeding 100 candies burthen.. | 5 ditto. |
| ——————100——————400—————— | 10 ditto. |
| For a vessel of 100 tons burthen or more..... | 50 reas per ton. |

Passes for vessels measured by candies to be in force for 8 months and by tons for 12 months.

*Clause 5th.*—Passes for vessels which are measured, according to the above scale, by candies, are to continue in force during eight (8) months, and for those measured in like manner by tons, during twelve (12) months, at the expiration of which respective periods, a new pass is to be procured, and the old one to be delivered up, and filed on record, at the office from which the new one is issued.

Passes how to be renewed.

Duplicate pass may be granted under certain conditions.

*Clause 6th.* If a pass be lost, or mislaid before its period of duration be expired, a duplicate shall be furnished to the owner applying for the same, on his paying again the original fee, and making affidavit of the loss or other accident, and executing a bond according to the form in Appendix G.

(Appendix G.)

Vessels without a pass liable to seizure.

*Clause 7th.* Any vessel which shall be found navigating, as specified in Clause 1st of this Section, without producing a pass when demanded by the authority specified in the said Clause, shall be liable to seizure by the said authority, and shall be confiscated with her cargo, on the seizure being prosecuted by information in the Supreme Court of Judicature, if the vessel be carried into Bombay, or by suit in one of the Zilla Courts, if it be carried into any port within its jurisdiction; provided that, if it appear that a pass had really been issued, and been lost, or had expired, and that the seizure took place before it could be renewed, reasonable attention having been given to that object, the said vessel shall be discharged from seizure and detention.

Provisions in cases of accident.

Goods must not be shipped without application for permission.

SECTION XXII. Previously to any exportation of goods, permission must be obtained by application made in the form contained in Appendix H.

(Appendix H.)

All vessels to deliver statement of their export cargo.

(Appendix I.)

SECTION XXIII. Every vessel of any description leaving a port subordinate to Bombay shall previously to sailing, deliver at the Custom House an account of her export cargo, according to the form specified in Appendix I: the officer in charge of the Customs at the port shall, as soon afterwards as may be practicable, furnish to the Commander the manifest of the export cargo, according to the form in Appendix E: he shall also deliver the pass, if any be required specified in Section XXI: but this document shall be withheld until the account of the export cargo has been delivered, or, if issued previously, and the vessel sails without delivering the said account shall be deemed of no validity and effect.

Articles exported duty free to be registered as well as others.

SECTION XXIV. The provisions of Section XIX, relative to a register being kept of the quantity and value of all imports paying duty, and a separate register of all articles exempt from duty, are to apply equally to exports.

Penalty where goods are attempted to be shipped without permit or differing from those specified in the permit.

SECTION XXV. Goods attempted to be shipped without a regular permit, or goods differing from those specified in the permit, attempted to be carried away, or to be shipped under such permit, with a view of defrauding the revenue, shall be liable to confiscation.

## CHAPTER VI.

### OF SEA CUSTOMS ON IMPORTS AND EXPORTS AT THE PORTS OF THE KONKANS.

Import and export duties in the Konkans to be levied as at present.

SECTION XXVI. The rules under which Sea Customs are at present charged and levied at the ports in the Konkans are hereby maintained in force until modified or rescinded by enactment.

Goods which have paid duty on import to be entitled to a certificate which shall exempt them from inland duties in the Deckan and Konkans.

(Appendix J.)

SECTION XXVII. *Clause* 1*st*. The imports into the Konkans of goods, on which the import duty has been levied, shall be entitled to a certificate, in the form specified in Appendix J, which certificate, signed and sealed by the Collector of Customs, shall be received as an acquittance from the payment of inland duties throughout the Konkans and Deckan.

Blank certificates to be furnished to the native officers of the custom department, returns of which are to be required.

(Appendix K.)

*Clause* 2*nd*. The native Officers intrusted with the collection of duties at the several ports in the Konkans shall be furnished with blank certificates under the seal and signature of the Collector of Customs, and a regular return shall be required by the Collector in the form specified in Appendix K, from such Native Officers of the certificates delivered to them.

An official seal to be furnished to the said native officers, and an impression from it to be affixed to all certificates issued by them,

The same being duly numbered and granted.

SECTION XXVIII *Clause* 1*st*. Native Officers intrusted with the collection of duties shall be furnished with an official seal one inch in diameter, the name of the port or places being cut thereon in the English and local languages of the district, and shall affix the said seal to all certificates issued by them:

*Clause* 2*nd*. The certificates shall be numbered in English and in the local language of the district, and shall be issued according to their numbers:

Collectors of land revenue to transmit certificates produced to them to the Collector of Customs, and the Governor in Council to be informed of any difference which may be discovered, on comparing them with his register.

*Clause* 3*rd*. Collectors of Land Revenue in the Konkans and Deckan shall transmit monthly to the Collector of Sea Customs in the Konkan all certificates or copies of certificates produced, the contents of which shall be compared by the Collector of Sea Customs with the register of certificates granted by the said native officers, and where a difference may be discovered, the Governor in Council is to be informed, in order that the cause may, if possible, be ascertained.

## CHAPTER VII.

### EXEMPTIONS IN FAVOUR OF HIS MAJESTY'S NAVY, AND REGARDING CERTAIN PUBLIC STORES, TO BE OBSERVED IN THE PORTS OF GUZERAT AND THE KONKANS.

Naval provisions and stores purchased by his Majesty's Naval Commissioner free of duty on export and import.

SECTION XXIX. *Clause* 1*st*. Provisions and stores purchased in India by His Majesty's Naval Commissioner for the use of his Majesty's Navy, and imported or exported at any port in the territories subordinate to Bombay, shall be exempted from duties, but this exemption is not to extend to provisions supplied by contractors:

Military, medical or other stores belonging to Government to be passed free.

*Clause* 2*d*.—Military, medical, or other territorial stores belonging to Government, are in like manner to be passed free through the Custom Department.

Permit for public stores.

*Clause* 3*d*.—And in case of embarking or landing His Majssty's or the Hon'ble Company's Military or Marine Stores, or goods, it is hereby enacted, that the officer conducting such embarkation or disembarkation shall prepare a regular permit, to be authenticated by the Collector of Customs, or his Assistant, or native officer, should they be absent, as directed in Sections XIV. and XXII of this Regulation, and this rule is to be applied in all particulars to public stores proceeding to stations in the interior.

## CHAPTER VIII.

### OF THE COLLECTION OF INLAND DUTIES.

Inland duties are collected by the land revenue officers.

SECTION XXX.—The collection of inland duties throughout the territories subordinate to Bombay, as at present established, shall be conducted by the Collectors of the Land Revenue and the individuals on their establishments, under the rules and liabilities attaching to them respectively in the discharge of their other official duties.

# A. D. 1827. REGULATION. XX.

## CHAPETR 1X.

### RULES FOR THE SEA CUSTOM DEPARTMENT FOR CONDUCTING CONFISCATIONS AND LEVYING PENALTIES INCURRED UNDER THIS REGULATION.

SECTION XXXI.—*Clause* 1st.—Goods or vessels liable to confiscation shall be stopped and taken in charge by any custom house officer, by whom (if of subordinate rank) the circumstance shall be immediately reported, under the penalty of dismission, to the Collector of Sea Customs, who shall report the case (as also any seizure made by himself) to the Governor in Council, without whose confirmation the confiscation shall not take place if the articles exceed fifty (50) rupees in value:

Confirmation by Government on report by the Collector necessary previous to confiscation up to a certain amount.

*Clause* 2*d*.—Resistance of seizure, or of examination of goods, or rescue after seizure, shall render them liable to forfeiture, though not otherwise incurred, in case the owner or person in charge be abetting thereto.

Penalty attached to resistance of seizure or examination of goods or to rescue after seizure.

*Clause* 3*d*.—All native officers in the employ of Government, though not in the department of Customs are required to aid in suppressing illicit traffic, by giving information to their official superior, who is to forward the same forthwith to the Collector of Customs:

All native officers to aid in suppressing illicit traffic.

*Clause* 4*th*.—Any native officer failing to comply with the provisions of the aforesaid rule, and conniving at illicit trade or assisting in any manner to smuggle goods, shall be liable to dismission.

Punishment for connivance at illicit traffic.

SECTION XXXII.—Confiscated property shall be publicly sold, and from the net proceeds shall first be paid the established duties, and the remainder shall be divided as follows; one fifth shall be paid to the Collector of Sea Customs or Deputy in charge of the district where the seizure was made, and the remaining four fifths in equal proportions to the informers and officers employed in making the seizure.

Provision for the sale of confiscated property and distribution of the proceeds.

SECTION XXXIII.—*Clause* 1*st*.—Confiscations when determined shall be executed by the Collector of Sea Customs, the sale being deferred for thirty (30) days from the seizure, and, if within that period the owner, or any one in his behalf, shall institute a civil action in the Court of the Revenue Judge of the Zilla, as the case may require, to prove that the confiscation has not been legally incurred, the sale shall be further deferred, till a decision has been made by the Court:

Confiscation how conducted.

*Clause* 2*d*.—Fines or penalties incurred by this Regulation, of a nature different from the confiscation of specific articles, shall, if not paid on demand, be sued for, and enforced at the Presidency in the mode prescribed by Act of Parliament, and elsewhere in the Zilla Court having jurisdiction at the place where they have been incurred:

Fines and penalties how levied.

*Clause* 3*d*.—But the cases of vessels seized for navigating without passes are not to come within the rules of this Section, but to be prosecuted as directed in the 7th Clause of Section XXI.

Confiscation of vessels without passes does not come under this section.

## APPENDIX A.

*(See Section II, Clause 3d.)*

*Alphabetical List of Articles which on import into Bombay are to be valued by the invoice rates.*

| Number. | ARTICLES. |
|---|---|
| 1 | ARTICLES OF WEARING APPAREL. |
| 2 | Artificial Flowers, Europe. |
| 3 | BLACKING AND BRUSHES. |
| 4 | Brass, Table. |
| 5 | Broad Cloth. |
| 6 | Bunting. |
| 7 | CAMBLET, EUROPE. |
| 8 | Carpets, Europe. |
| 9 | Carriages and Conveyances. |
| 10 | Cashmire Shawls, (Foreign imitation.) |
| 11 | China Artificial Flowers. |
| 12 | " Lamps &c. |
| 13 | " Ware, |
| 14 | Clocks and Watches. |
| 15 | Copying Machines. |
| 16 | Cotton Yarn and Thread, Europe. |
| 17 | Crystal Ware. |
| 18 | Cutlery and Hard Ware, Europe. |
| 19 | DRUGS, EUROPE. |
| 20 | EARTHEN WARE, Do. |
| 21 | Eatables. |
| 22 | FANS, EUROPE. |
| 23 | Feathers for dress. |
| 24 | Floor Cloth. |
| 25 | Flower Vases. |
| 26 | Furniture, Household (including Cabinet Ware and Dressing Cases.) |
| 27 | GARDEN ENGINES. |
| 28 | Glass, Looking. |
| 29 | Glass ware. |
| 30 | Glass, Window. |

31 Gold and Silver Lace, Europe.
32 " Thread ditto.
33 Guns and Pistols.
34 JAPAN WARE.
35 Jewellery, English (direct from England duty free.)
36 Jewellery and Jewellery Gilt not direct from England.
37 Images, Europe.
38 Ironmongery,
39 LACQUERED WARE.
40 Leather of different sorts.
41 Lines and Twines, Europe.
42 Loaf, Sugar.
43 Long Ells.
44 MARBLE SLABS AND TILES.
45 Masts, Spars, and Oars.
46 Mathematical and other Instruments.
47 Merinos.
48 NEEDLES AND PINS.
49 OILMAN'S STORES of all sorts, including Pickles, Fish Sauces, Mustard &c.
50 PAINTS AND OIL FOR PAINTS.
51 Paint Brushes.
52 Paper, Portuguese.
53 Perfumery.
54 Pewter Ware.
55 Pictures of various sorts.
56 Piece Goods, Europe, Bengal and Madras.
57 Plated Ware.
58 Printed Cotton, and Calicoes.
59 Printing Presses and Types.
60 SADDLERY.
61 Seeds of various sorts, Europe and Cape.
62 Ship Chandlery.
63 Silk, Manufactured.
64 Snuff Boxes.
65 Stationery and Books.
66 Summerheads, Silk.
67 Syrups of sorts.
68 TABLE LINEN.
69 Tin Ware.
70 Toys.
71 WINE COOLERS.
72 Wire Covers.
73 Woollens (Foreign.)

## APPENDIX B.

*(See Section II, Clause 4th.)*

*Alphabetical List of the principal Articles which on import into Bombay are to be valued by the Market rates.*

| *Number.* | ARTICLES. |
|---|---|
| 1 | AMBER. |
| 2 | Ditto Beads. |
| 3 | Ditto Common. |
| 4 | Anardana, a sort of Beads. |
| 5 | BANGLES, GLASS, HORN AND IVORY. |
| 6 | Beads, Country of all kinds. |
| 7 | Brass Work and Ware (Country). |
| 8 | CARPETS, Persian and Cambay. |
| 9 | Copper Ware (country). |
| 10 | Copper, White. |
| 11 | Coral. |
| 12 | " False. |
| 13 | Cornelians. |
| 14 | Cotton Lacings, Rope and Strings. |
| 15 | Cotton Yarn and Thread (country.) |
| 16 | Cutlery and Hard Ware (country.) |
| 17 | DIAMONDS, EMERALDS &c. Duty free. |
| 18 | Drugs (country) when not enumerated in the Tariff list. |
| 19 | FALSE BEADS, CORALS AND PEARLS, when not enumerated in the Tariff list |
| 20 | Fans, China, |
| 21 | GOLD AND SILVER LACE (country.) |
| 22 | " " thread do. |
| 23 | Grease. |
| 24 | HIDES of different sorts. |
| 25 | Horn Ware. |
| 26 | JEWELS AND PRECIOUS STONES (country) duty free. |
| 27 | Images, China. |
| 28 | Ivory Work and Ware, China and country. |
| 29 | LANTHORNS. |
| 30 | Line and Twines, country. |
| 31 | MATS, Bengal and China. |
| 32 | OTTAR of ROSES. |

33 PEARLS, False, Nuthia, China.
34 " " Bajiri, size, ditto.
35 " " Borio, ditto.
36 " " Luluk, ditto.
37 " " Wutana size, ditto.
38 Piece Goods, country, from the interior.
39 RAFTERS and Bamboos.
40 Rose Water.
41 SHAWLS (Indian.)
42 TARGETS.
43 Timber and Plank.
44 Tints,
45 Tutanag Ware.
46 WOODEN WARE.

## AXPENDIX C.

*(See Section V.)*

*Form of Oath to be taken by a Collector, Deputy or Covenanted Assistant Collector of Sea Customs in Guzerat and the Konkans.*

I, A. B. appointed Collector of Sea Customs at————————, do solemnly swear, that I will faithfully discharge the duties of the said situation, that I will not, directly or indirectly, by myself or by others, be concerned in or allow of any collections being made but such as are authorized by and brought to the account of Governmnet, that I will not be concerned, directly or indirectly in the purchase of any goods or commodities for the purpose of remitting money to Europe or elsewhere, nor in any other commercial transaction, that I will not take or receive, or knowingly allow any other person to take or receive, any present, gratuity, fee or advantage, whatsoever, on account of any matter relating to the duty of my office, excepting such as now is or may be hereafter authorized by the Governor in Council. So help me God.

(Signed) A. B.

*Collector, Deputy or Assistant,*

*Collector of Sea Customs at*————

# REGULATION XX A. D. 1827.

## APPENDIX D.

*(See Section X, Clause 1st.)*

*List of days on which the offices for transacting the business of the Sea Custom Department in Guzerat and the Konkans may be closed.*

If the office be at a Suddur Station, or the officer in charge of it be of the Christian persuation.

Sunday,
Christmas Day,
Good Friday,
New Year's Day.

Otherwise on such days only as the Collector of Sea Customs may direct; which shall also be regulated by the Governor in Council, if sufficient cause appear.

## APPENDIX E.

*(See Section XII, Clause 1st.)*

*Form of Manifest.*

Manifest of the Cargo of the
from the port of———— Commander.

Colours————

| To what Port belonging. | Where built. | Number of the crew. | Owners' names. | How employed | Ton-nage | Cargo. | | | | To whom consigned. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Packages or Chests. | | Goods. | | |
| | | | | | | Marks. | Numbers. | Quality or Kind. | Weight or Quantity. | |
| | | | | | | | | | | |

(Signed) *By the officer of Sea Customs*, if the port of export be subordinate to Bombay.—Otherwise *by the Commander or Supercargo.*

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## APPENDIX F.

*(See Section XXI, Clause 1st.)*

*Form of Pass for Coasting Vessels.*

*To all Commanders of Ships and Vessels, or whomsoever, subjects, friends or allies to His Majesty George the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.*

Whereas————inhabitant of————and owner of the————burthen————carrying————guns, navigating and trading between————and ————and now bound to————whereof goes Commander————, has requested of me, the President and Governor of Bombay, a pass for the better security of the said————, I do, by virtue of the power derived by me from the Hon'ble the United Company of Merchants of England trading to the East Indies, and confirmed unto them by the authority of our Sovereign Lord the King, give her this my pass, hereby requiring and requesting of all or any subjects, friends or allies as abovementioned, that may happen to meet with the said————in her intended voyage, not to give her the least hindrance or molestation; provided that this my pass be of validity during the term of————months, and no longer. Sealed with the seal of the aforesaid Hon'ble Company, and given under my hand in Bombay Castle this————day of————Anno Domini One thousand eight hundred and————.

*By Order of the Honorable————*

President of all Affairs of the Honorable United Conmpany of Merchants of England trading to the East Indies, on the Coast of India, Persia and Arabia, Governor and Commander in Chie of His Majesty's Castle and Island of Bombay.

# REGULATION XX A. D. 1827

## APPENDIX G.

*(See Section XXI, Clause 6th.)*

*Form of Bond to be executed on replacing a pass.*

Whereas I, A. B. owner (or Commander) of the ship (or vessel of other denomination) did on the———day of————in the year————procure from the officer for the collection of Sea Customs at————a pass for the aforsaid ship (or vessel of other denomination) according to the provisions of Section XXI, Regulation XX, A. D. 1827, and whereas the said pass has been (destroyed, or lost, or otherwise as the case may be), of which fact I have made a separate affidavit, copy of which is affixed to this bond, so that it is out of my power to produce the said pass, and the period for which it was granted is not yet expired; I am therefore desirous of procuring a duplicate of the said pass, and upon obtaining the same, I hereby bind myself to pay to the Collector of Sea Customs at————for the time being the sum of Rupees (2,000) two thousand provided it shall appear, that the original pass hath been, or hereafter shall have been, lent, sold or otherwise disposed of by me: or that the same hath been, or hereafter shall be, illegally used by any person or persons, with or without my knowledge.

A. B.

Owner or Commander of the————

## APPENDIX H.

*(See Section XXII.)*

*Form of application for Exportation of Goods.*

OUTWARD.

To

The Collector of Sea Customs at———

Sir,

Please to permit to pass on board the————the undermentioned articles proceeding to———.

———Chests of Sugar.....value Rupees———

———Bales of Cloth.....value Rupee———

I have &c.

# A D. 1827, REGULATION XX.

## APPENDIX I.

*(See Section XXIII.)*

*Account of Goods to be exported from the Port of*————*on board the Vessel*————*A. B. Owner (or Commander.)*

| Packages. | | Goods. | | | | |
|---|---|---|---|---|---|---|
| Mark. | Number. | Quality or kind. | Quantity or Weight. | To what Port consigned | To whom consigned. | Invoice Cost or Valuation. |
| | | | | | | |

(Signed)————Owner *or* Commander.

## APPENDIX J.

*(See Section XXVII, Clause 1st.)*

*Form of certificate that sea import duties have been paid at a port in the Konkans.*

### REGISTER.

Custom House at————

This is to certify that the goods mentioned in the annexed list have been regularly entered and paid the Hon'ble Company's Import duties this————day of————.

| Date. | By whom entered. | Number and nature of Packages. | Vessel. | | | Goods. | | | | | | | Government customs received. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Name. | Under what colours. | Whither bound. | Sort or kind. | Place of manufacture or production. | Nature of packages. | Marks and Numbers. | Quantity. | Rate. | Total amount of value. | |
| | | | | | | | | | | | | | |

(Signed) A. B.,

*Collector of the Customs*, or *Deputy*,

or *Assistant Collector*.

# REGULATION XX A. D. 1827.

## AXPENDIX K.

*(See Section XXVII, Clause 2d.)*

*Form of Return to be furnished periodically as required to Collectors of Sea Customs in the Konkans by the Native Officers in their department.*

| Date of the receipt of certificates from the Collector. | Number of certificates received. | Certificates issued. | | | Vessels. | | | Goods. | | | | | | | Government customs received. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Date. | Number. | To whom granted. | Name. | Under what colours. | Whither bound. | Sort or kind. | From what port shipped. | Nature of packages. | Marks and numbers. | Quantity. | Rates, per corge, piece, &c. | Value. | |
| | | | | | | | | | | | | | | | |

*TARIFF valuation, exclusive of Advances and fees established by the Regulations, according to which Customs and the additional Duty on account of the Hon'ble Company's Marine, and the Town Duty and Sayer Revenue (where the latter is Chargeable) will be levied on the following Goods imported into Bombay.*

| No. | Enumeration of Goods. | | Tariff valuation. Rs. | qr. | rs. |
|---|---|---|---|---|---|
| 1 | Abeer (a sort of country perfume) | per Surat maund of 40 seers or 41½ lbs | 8 | 0 | 0 |
| 2 | Abnoos (ebony wood) | per Surat candy of 21 maunds or 784 lbs | 25 | 0 | 0 |
| 3 | Aglawood (By samples of each) 1st Sort | per pound | 3 | 0 | 0 |
| 4 | " 2d ditto | per ditto | 2 | 0 | 0 |
| 5 | " 3d ditto | per ditto | 1 | 0 | 0 |
| 6 | Alum | per Surat candy of 21 maunds or 784 lbs | 30 | 0 | 0 |
| 7 | Bale Lashings of 17 fathoms | per each | 1 | 0 | 0 |
| 8 | Bazar Battoonuts (for necklaces) | per Bombay candy of 20 maunds or 560 lbs | 18 | 0 | 0 |
| 9 | Beads, China, 1 Laldy | per pecul of 133⅓ lbs | 40 | 0 | 0 |
| 10 | " " 2 Puckawjee | per ditto ditto | 35 | 0 | 0 |
| 11 | " "3 Dagree | per ditto ditto | 30 | 0 | 0 |
| 12 | Beer | per hogshead | 48 | 0 | 0 |
| 13 | Bettlenut, Bancote, white | per Bombay candy of 21 maunds or 588 lbs | 70 | 0 | 0 |
| 14 | " Eastern | per Surat candy of 21 maunds or 784 lbs | 25 | 0 | 0 |
| 15 | " Goa, white | per Bombay candy of 21 maunds or 588 lbs | 20 | 0 | 0 |
| 16 | " " red | per ditto ditto | 34 | 0 | 0 |
| 17 | " other countries | per ditto ditto | 35 | 0 | 0 |
| 18 | Brass camphire | per pound | 40 | 0 | 0 |
| 19 | " Leaf and orsidue | per hundred corges | 90 | 0 | 0 |
| 20 | Brimstone (Gunduck) | per Surat candy of 7½ cwt | 20 | 0 | 0 |
| 21 | Burroo (country pens) Muscat | per bundle of hundred | 2 | 0 | 0 |
| 22 | " " country | per bundle | 1 | 0 | 0 |
| 23 | Cadjans | per hundred | 2 | 2 | 0 |
| 24 | Candles | per Bombay maund of 28 lbs | 18 | 0 | 0 |
| 25 | Canes and Rattans | per thousand | 5 | 0 | 0 |
| 26 | Canton Cloth | per piece | 10 | 0 | 0 |
| 27 | " Grass Cloth | per ditto | 13 | 0 | 0 |
| 28 | Canvas, Bengal, of all sorts | per bolt | 9 | 0 | 0 |
| 29 | " Europe | per ditto | 15 | 0 | 0 |
| 30 | Catgut (Rodah) | per thousand strings | 20 | 0 | 0 |
| 31 | Cauth (Terra Japonica) Eastern and Black | per Surat candy of 7 cwt | 30 | 0 | 0 |
| 32 | " " Concany, White | per Bombay candy of 21 maunds or 588 lbs | 75 | 0 | 0 |
| 33 | Charcoal | per Surat candy of 7 cwt | 4 | 0 | 0 |
| 34 | Chilly Pepper, dried | per Bombay candy of 21 maunds or 588 lbs | 30 | 0 | 0 |
| 35 | Chitterys or Quittasols, paper, China | per hundred | 25 | 0 | 0 |
| 36 | Chocolate | per pound | 1 | 1 | 0 |
| 37 | Chunam and Chunam Stones | per Surat candy of 7 cwt | 1 | 2 | 0 |
| 38 | Coals | per bushel | 0 | 2 | 0 |
| 39 | Cocoanuts | per thousand | 15 | 0 | 0 |
| 40 | Coffee, Mocha | per Surat maund of 44 seers or 41 lbs 06 dec | 10 | 0 | 0 |
| 41 | " all other sorts | per ditto ditto | 8 | 0 | 0 |
| 42 | Coir, Maldavy and Lacadavy | per Bombay candy of 21 maunds or 588 lbs | 30 | 0 | 0 |
| 43 | ,, if in Ropes, 2 Rupees additional | per Bombay candy of 20 maunds or 560 lbs | 32 | 0 | 0 |
| 44 | Coir, all other sorts | per Bombay candy of 21 maunds or 588 lbs | 13 | 0 | 0 |
| 45 | " if in Ropes, 2 Rupees additional | per Bombay candy of 20 maunds or 560 lbs | 15 | 0 | 0 |
| 46 | " Cologne Water | per dozen small bottles (per sample bottle lodged in the Custom house) | 4 | 0 | 0 |
| | Confectionary Europe, viz. | | | | |
| 47 | " Bottled fruits | per dozen | 9 | 0 | 0 |
| 48 | " Brandy fruits in glass bottles | per bottle | 4 | 0 | 0 |
| 49 | " Cherry and Rasberry Brandy, Vinegar, Capellair, and Hoffman's Shrub | per dozen pints | 14 | 0 | 0 |
| 50 | " Comfits in white glass bottles | per dozen | 24 | 0 | 0 |
| 51 | " Jams and Jellies 3 pound jars, other sizes in proportion | per each | 4 | 0 | 0 |
| 52 | " Preserves, China per box | containing 4 large pots or 6 small ditto | 10 | 0 | 0 |
| 53 | " Copra (Dry Cocoanuts) | per candy of 22 Bombay maunds or 616 lbs | 25 | 0 | 0 |
| 54 | " Cordage | per cwt | 18 | 0 | 0 |
| 55 | " Corks | per gross | 1 | 0 | 0 |
| | Cotton, viz. | | | | |
| 56 | " From Guzerat, Dollera Bhownagur | Customs on a valuation of Rs. 120 per Surat candy of 784 lbs. with an advance of 8 per Cent and the established fees. | | | |
| 57 | " Cutch and Scind and all parts of Kattywar, except Dollera and Bhownagur, Malabar, Canara, Candesh and Berar, | ——"—— on a valuation of Rs. 105 per Surat candy of 784 lbs. with an advance of 8 per Cent and the established fees. | | | |
| 58 | Cow Bezoar | per pound | 20 | 0 | 0 |
| 59 | Cyder and Perry | per dozen quarts | 6 | 0 | 0 |

| No. | Enumeration of Goods. | | Tariff valuation Rs. | qr. | rs. |
|---|---|---|---|---|---|
| | Drugs and Dying Stuffs, &c. | | | | |
| 60 | " Achro (Guzerat) ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 2 | 0 | 0 |
| 61 | " Agurbutty (for burning, a composition) .. per | Bombay maund ..... | 12 | 2 | 0 |
| 62 | " Akurkareh (medicinal root) ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 7 | 0 | 0 |
| 63 | " Aloes Black ..... per | ditto ditto ..... | 2 | 3 | 0 |
| 64 | " Maculla ..... per | ditto ditto .... | 4 | 0 | 0 |
| 65 | " Socotra ..... per | ditto ditto .... | 5 | 0 | 0 |
| 66 | " Anvellcatty ..... per | Bombay Candy of 20 maunds or 560 lbs. .... | 15 | 0 | 0 |
| 67 | " Assond (root) ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 2 | 2 | 0 |
| 68 | " Atwiekewlly (root) ..... per | ditto ditto ..... | 15 | 0 | 0 |
| 69 | " Bhang ..... per | Bombay candy of 21 maunds or 588 lbs.... | 15 | 0 | 0 |
| 70 | " Bodar ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 7 | 0 | 0 |
| 71 | " Cadey Ebramy ..... per | ditto ditto ..... | 1 | 0 | 0 |
| 72 | " Camphire ..... per | Surat maund of 42 seers or 39 lbs 20 decl.... | 17 | 0 | 0 |
| 73 | " Ruscamphire ..... per | Surat maund of 40 seers or 37 lbs. $\frac{3}{4}$ decl.... | 50 | 0 | 0 |
| 74 | " Capila ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 11 | 0 | 0 |
| 75 | " Capoorcatchery (Zedoary) ..... per | ditto ditto ..... | 5 | 0 | 0 |
| 76 | " Caskey ..... per | ditto ditto ..... | 3 | 0 | 0 |
| 77 | " Cassia Fistola ..... per | Surat candy of 22 maunds or 82 lbs $\frac{1}{3}$ decl.... | 12 | 0 | 0 |
| 78 | " China Root ..... per | Surat maund of 43 seers or 41 lbs 06 decl..... | 3 | 0 | 0 |
| 79 | " Coca White (arrow root) ..... per | Bombay candy of 588lbs.... .. | 30 | 0 | 0 |
| 80 | " Cochineal ..... .. per | pound.... .. | 8 | 0 | 0 |
| 81 | " Cocum (a dried nut used in curries.) .... per | Bombay candy of 588lbs.. .. | 10 | 0 | 0 |
| 82 | " Columbo root .... .. per | Surat maund of 44 seers or 41lbs 06 decl. .. | 2 | 2 | 0 |
| 83 | " Create (a bitter root) ..... per | ditto ditto ..... .. .. | 6 | 0 | 0 |
| 84 | " Cuddoo ..... .... per | ditto ditto ..... .. .. | 7 | 0 | 0 |
| 85 | " Cadiakhar (Borax) .... .. per | ditto ditto ..... .. .. | 8 | 0 | 0 |
| 86 | " Dhaury Flowers ..... .. per | Surat candy of 22 maunds or 82 lbs $\frac{1}{3}$ decl. .. | 8 | 0 | 0 |
| 87 | " Esburgh or Ipsarack ..... per | Surat maund of 44 seers or 41 lbs 06 decl.. .. | 5 | 0 | 0 |
| 88 | " Galls, Persia ..... .. per | ditto ditto .. .. .. .. | 9 | 0 | 0 |
| 89 | " " Country ..... .... per | Bombay candy of 10 parahs .. .. | 4 | 0 | 0 |
| 90 | " Ghanjah ..... .... per | Bombay maund of 28 lbs .. .. | 10 | 0 | 0 |
| 91 | " Gaozaban Bungloss or Ox Tongue ..... per | Surat maund of 44 seers or 41 lbs. 06 decl .. | 2 | 0 | 0 |
| 92 | " Ghodavez or vencand (calamus aromaticus) ..... per | ditto ditto .... .. .. | 2 | 0 | 0 |
| 93 | " Gockroo ..... .... per | ditto ditto .... .. .. | 1 | 2 | 0 |
| 94 | " Gowla with Shells, Persian and Malwa .. per | Surat maund of 44 seers .... .. | 5 | 0 | 0 |
| 95 | " " without shells Ditto ..... per | ditto ditto .... .. .. | 10 | 0 | 0 |
| 96 | " Hemuz (a sort of medicinal nut) .... .. per | ditto ditto .. .. .. | 16 | 0 | 0 |
| 97 | " Hurtakey or Hurdeh, (myrabolans) .... per | Surat maund of 42 seers .... .. .. .. | 8 | 0 | 0 |
| 98 | " Hurtal (Arsenic.) .... .. per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 7 | 0 | 0 |
| 99 | " "White Soomall ..... per | ditto ditto .... .. | 9 | 0 | 0 |
| 100 | " Jamal Gota, Malabar ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 3 | 0 | 0 |
| 101 | Jercatchura (Nux Vomica) ..... .. per | Surat candy of 22 maunds or 82 lbs. $\frac{1}{3}$ decl.. | 8 | 0 | 0 |
| 102 | " Kermany or Sewarow ..... .... per | ditto ditto ..... .. | 25 | 0 | 0 |
| 103 | " Fine Quality ..... .. .. per | pound ..... .. | 1 | 1 | 0 |
| 104 | " Kewdazhur (Oris root) ..... .... per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 1 | 0 | 0 |
| 105 | " Kolenjun (Galengals) China ..... .. per | ditto ditto ..... .. | 2 | 2 | 0 |
| 106 | " " all other places ..... .... per | ditto ditto ..... .. | 1 | 0 | 0 |
| 107 | " Kossum (Safflower) Bengal 1st Quality.. per | ditto ditto ..... .. | 19 | 0 | 0 |
| 108 | " " " Guzerat .... .... .... per | ditto ditto ..... .. | 14 | 0 | 0 |
| 109 | " " " Ghauty and 2d. Quality Bengal .... per | ditto ditto ..... .. | 5 | 2 | 0 |
| 110 | " Koyful (Coculus Indicus) Malabar ..... per | Surat candy of 22 maunds or 82 lbs $\frac{1}{3}$ decl.. | 10 | 0 | 0 |
| 111 | " Lakh, Pegue ..... .. ..... per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 8 | 0 | 0 |
| 112 | " Shell Lac .... ..... .. per | Bombay maund of 42 seers or 39 lbs. 20decl.. | 8 | 0 | 0 |
| 113 | " " Stick Lac, Bengal ..... .... per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 5 | 0 | 0 |
| 114 | " Long Pepper .... .... .... per | ditto ditto ..... .. | 10 | 0 | 0 |
| 115 | " " " Root ..... ..... .... per | ditto ditto ..... .. | 4 | 0 | 0 |
| 116 | " Lother .... .... .... .. per | ditto ditto ..... .. | 7 | 2 | 0 |
| 117 | " Morudsing (Sn. Concan) .... .... per | ditto ditto ..... .. | 0 | 2 | 0 |
| 118 | " Moth (Root) ..... ..... .. per | ditto ditto ..... .. | 1 | 0 | 0 |
| 119 | " Munjeet (Madder Mocha) .... .... per | ditto ditto ..... .. | 4 | 2 | 0 |
| 120 | " All other kinds .... .... .. per | ditto ditto ..... .. | 2 | 2 | 0 |
| 121 | Nowshadur (Sal Ammoniac) .... .. per | ditto ditto ..... .. | 10 | 0 | 0 |
| 122 | " Nuts black (marking Rajapoor) .. .. per | Bombay candy of 8 parahs ..... .. .. | 7 | 0 | 0 |
| 123 | " "Soonagooroo .... .... .... per | Surat maund of 44 seers ..... .. .. | 2 | 0 | 0 |
| 124 | " Paluspapdy (Southern Concan) ..... per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 0 | 2 | 0 |
| 125 | " Persia, or Scindy Numuck (Rocksalt) .. per | Surat candy of 22 maunds or 821 lbs. $\frac{1}{3}$ dec.. | 4 | 0 | 0 |
| 126 | " Pewdy (a sort of Paint) .. ... per | pound ..... .... | 1 | 3 | 0 |
| 127 | " Revencheny ..... .... per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 6 | 0 | 0 |
| 128 | " Rhubarb .. .... ..... per | pound ..... .... | 0 | 3 | 0 |
| 129 | " Rose Flowers ..... .... per | Surat maund of 44 seers or 41 lbs. 06 dec... | 3 | 0 | 0 |
| 130 | " Span (Brazil) wood, Country .. .. per | Bombay candy of 22 maunds or 616 lbs.... | 25 | 0 | 0 |
| 131 | " " " Eastern .. .. .... .... per | Surat candy of 22 maunds or 821 lbs. $\frac{1}{3}$ dec.. | 25 | 0 | 0 |
| 132 | " Senna Garbled ..... .. .. per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 5 | 0 | 0 |
| 133 | " " Ungarbled ..... ..... per | ditto. ditto ..... ..... | 2 | 2 | 0 |

| No. | Enumeration of Goods. | | Tariff valuation. Rs. | qr. | rs. |
|---|---|---|---|---|---|
| | Drugs and Dying Staffs &c.—(Continued.) | | | | |
| 134 | " Sherus or Glue ( country )..... .... ....per | Surat maund of 44 seers or 41 lbs. 06 dec.. | 6 | 0 | 0 |
| 135 | " Soap Nuts (for washing).....per | Bombay candy of 10 parahs..... .... | 7 | 0 | 0 |
| 136 | " Soorma (Antimony).....per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 6 | 0 | 0 |
| 137 | " Soorungee.....per | ditto. ditto..... ..... | 3 | 0 | 0 |
| 138 | " Sunchall ( Medicinal Salt)..... .....per | Surat candy of 22 maunds or 821 lbs. ⅓ dec.. | 30 | 0 | 0 |
| 139 | " " " Inferior Tully..... ....per | ditto... ditto..... ..... | 10 | 0 | 0 |
| 140 | " Sunchora, (Cutch) or Potash .....per | Bombay candy of 22 maunds & 2 seers gross or 617½ lbs..... .... | 10 | 0 | 0 |
| 141 | " " " Scind..... .....per | ditto. ditto.... ..... | 7 | 0 | 0 |
| 142 | " Sunkjeroo..... .... .....per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 2 | 2 | 0 |
| 143 | " Tagur or False Aglawood..... per | ditto. ditto..... .. | 2 | 0 | 0 |
| 144 | " Tamarinds, gross without seed.... per | Surat candy of 22 maunds or 821 lbs. ⅓ dec.. | 15 | 0 | 0 |
| 145 | " " " with seed..... .....per | Bombay candy of 21 maunds or 588 lbs.... | 8 | 0 | 0 |
| 146 | " Turmeric Amba or common.... ....per | Bombay candy of 22 maunds or 616 lbs.... | 7 | 0 | 0 |
| 147 | " " Bengal.... .... per | Surat candy of 22 maunds or 821 lbs. ⅓ dec... | 55 | 0 | 0 |
| 148 | " " Malabar.... .... ....per | Bombay candy of 21 maunds or 588 lbs.... | 40 | 0 | 0 |
| 149 | " Vasnuck..... .... ....per | Surat maund of 44 seers or 41 lbs. 06 dec.. | 10 | 0 | 0 |
| 150 | " Wookamba.. ... ..... ....per | ditto. ditto..... ..... | 2 | 0 | 0 |
| 151 | " Wormwood (Dhawna)..... ....per | ditto. ditto..... ..... | 2 | 2 | 0 |
| 152 | " Elephants' Teeth all teeth 9 lbs. and upwards per | Surat maund of 40 seers or 97 ¾ lbs.. .. | 45 | 0 | 0 |
| 153 | " all teeth pieces of Ivory under 9 lbs.....per | ditto. ditto..... .. .. | 25 | 0 | 0 |
| 154 | Empty bottles (green glass).... ....per | gross.... .. .... ..... | 8 | 0 | 0 |
| 155 | " Cupas (mat bags).... .... ..per | hundred.. .. .. .. | 10 | 0 | 0 |
| 156 | Filtering stones (Drip-stones) ..... ....per | each.... .... .... .. | 10 | 0 | 0 |
| 157 | Fireworks.... .... .....per | box.. .. .. .. | 20 | 0 | 0 |
| 158 | Fish Maws..... ..... ....per | cwt.... .. .... .. | 70 | 0 | 0 |
| 159 | Flints manufactured..... .....per | thousand.... .. .. | 6 | 0 | 0 |
| 160 | " unmanufactured..... .....per | Surat candy of 20 maunds or 716 ½ lbs..... | 3 | 0 | 0 |
| | Fruits Dried, viz. | | | | |
| 161 | " Almonds..... ..... ....per | Surat maund of 42 seers..... .. .. | 3 | 0 | 0 |
| 162 | " Dates wet without allowance for Tare.....per | Bombay candy of 30 maunds or 340 lbs..... | 12 | 0 | 0 |
| 163 | " Dates dry without allowance for Tare.....per | Bombay candy of 30 maunds or 810 lbs.... | 15 | 0 | 0 |
| 164 | " Europe Raisins, plums &c. in boxes.. per | pound.... ..... | 0 | 2 | 0 |
| 165 | " Figs dried Europe and Persian Gulph.. per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 2 | 2 | 0 |
| 166 | " Fundook or Spanish nuts Persian Gulph..per | ditto. ditto.... .. | 8 | 0 | 0 |
| 167 | " Kissmiss Mocha.. .. .. per | ditto. ditto..... .. | 3 | 2 | 0 |
| 168 | " " all other places.. .. ....per | Surat maund of 42 seers or 39 lbs. 20 dec.... | 4 | 0 | 0 |
| 169 | " Pistachio nuts from Gulph.. .. per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 6 | 0 | 0 |
| 170 | " " " country.... ..per | ditto. ditto..... .. | 4 | 0 | 0 |
| 171 | " Plantains Northern Concan.. .. per | Bombay candy of 22 maunds gross or 618 lbs.. | 35 | 0 | 0 |
| 172 | " Prunes from Persian Gulph.. ..per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 4 | 0 | 0 |
| 173 | " Raisins Black Arabian Gulph.. per | ditto. ditto..... .... | 2 | 0 | 0 |
| 174 | " Walnuts (Acroot).. ..per | thousand..... ..... | 1 | 0 | 0 |
| 175 | " Garlic.. ....per | Bombay candy of 21 maunds or 588 lbs.... | 20 | 0 | 0 |
| 176 | " Ghee.... ..per | Bombay maund of 28 lbs.... .... | 7 | 2 | 0 |
| 177 | " Glass stones for Bangles.. ..per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 0 | 3 | 0 |
| 178 | " Grinding stones.. ..per | corge of 20 pieces.... .. | 15 | 0 | 0 |
| | Gums, viz. | | | | |
| 179 | " Ammoniac..... .. ..per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 6 | 0 | 0 |
| 180 | " Arabic.. .. ..per | Surat candy of 22 maunds or 821⅓ lbs..... | 80 | 0 | 0 |
| 181 | " Country.. .. ..per | ditto. ditto.... .. | 40 | 0 | 0 |
| 182 | " Assafoetida (Hingra).. ..per | Surat maund of 44 seers or 41 lbs. 06 dec.... | 4 | 0 | 0 |
| 183 | " B'dellium (Gogul) Scind.. ....per | Bombay candy of 21 maunds or 588 lbs.... | 20 | 0 | 0 |
| 184 | " Cutch.. .. ....per | ditto. ditto.... ..... | 8 | 0 | 0 |
| 185 | " Benjamin (By samples of each) Ist sort.. per | Surat mound of 40 seers or 37 lbs. ⅓ decl.. | 20 | 0 | 0 |
| 186 | " 2d ditto.... per | ditto ditto.... .. | 15 | 0 | 0 |
| 187 | " 3d ditto.... per | ditto ditto.... .... | 8 | 0 | 0 |
| 188 | " Booge (Revanchiny seerah).. ..per | pound..... .... | 0 | 3 | 0 |
| 189 | " Copal (Chundroose).. ..per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 5 | 0 | 0 |
| 190 | " Dammer..... ..per | Surat candy of 22 maunds 821½ lbs..... | 25 | 0 | 0 |
| 191 | " Deeamallee.. ..per | Surat maund of 44 seers or 41 lbs. 06 decl.... | 3 | 0 | 0 |
| 192 | " Dragons' Blood (Heradacun).. ..per | maund of 44 seers or 41 lbs. 06 decl..... | 12 | 0 | 0 |
| 193 | " Goozer.. ..per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 2 | 2 | 0 |
| 194 | " Heerakussee (copperas).. ..per | ditto ditto..... .. | 1 | 0 | 0 |
| 195 | " Mastic (Mustakey-Turkey).. ..per | pound..... ..... | 1 | 2 | 0 |
| 196 | " " All other Sorts.. .. ....per | Surat maund of 40 seers or 37½ lbs.. | 4 | 0 | 0 |
| 197 | " Myrrh (Bhoysa).... ....per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 3 | 2 | 0 |
| 198 | " All other sorts..... .....per | ditto ditto..... .... | 10 | 0 | 0 |
| 199 | " Olibanum.... .....per | Surat candy of 21 maunds or 784 lbs.. .. | 50 | 0 | 0 |
| 200 | " " Pudwas..... .....per | Surat maund of 44 seers or 41 lbs. 06 decl.. | 1 | 2 | 0 |

| No. | Enumeration of Goods. | | | Tariff valuation. Rs. | qr. | rs. |
|---|---|---|---|---|---|---|
| 201 | Gunpowder | per | pound | 1 | 0 | 0 |
| 202 | Gunies Pauts, Bengal | per | hundred | 10 | 0 | 0 |
| 203 | " Country Bags 20 Cubits | per | Corge | 12 | 0 | 0 |
| 204 | " Ditto 30 ditto | per | ditto | 20 | 0 | 0 |
| 205 | Gyndah (Rhinoceros horn) | per | Surat maund of 44 seers or 41 lbs. 06 dec | 30 | 0 | 0 |
| 206 | Hemp, Northern Concan | per | Bombay candy of 21 maunds | 20 | 0 | 0 |
| | By samples of each. | | | | | |
| 207 | " Rajpore Ghauty | per | ditto ditto | 35 | 0 | 0 |
| 208 | " Southern Concan | per | ditto ditto | 45 | 0 | 0 |
| 209 | Hing | per | Surat maund of 44 seers or 14 lbs. 06 dec | 35 | 0 | 0 |
| 210 | " Muskey | per | ditto ditto | 15 | 0 | 0 |
| 211 | Honey (Mocha) | per | ditto ditto | 6 | 0 | 0 |
| 212 | " Country | per | Bombay maund of 42 seers or 39 lbs. 40 dec | 2 | 2 | 0 |
| | Jagree Molasses, viz. | | | | | |
| 213 | " Kattywar | per | Bombay candy of 21 maunds or 588 lbs | 40 | 0 | 0 |
| 214 | " Northern Concan | per | ditto ditto | 40 | 0 | 0 |
| 215 | " Rajapore | per | ditto ditto | 40 | 0 | 0 |
| 216 | " All other Sorts | per | ditto ditto | 25 | 0 | 0 |
| 217 | " Indigo Bengal | per | Surat maund of 44 seers or 41 lbs. 06 dec | 85 | 0 | 0 |
| 218 | " Cutch and all other places | per | ditto ditto | 45 | 0 | 0 |
| 219 | " Kowra (Cowries) | per | Surat candy of 22 maunds or 821 ½ lbs | 9 | 0 | 0 |
| 220 | ,, Lametta | per | corge of 20 pieces | 5 | 0 | 0 |
| 221 | Liquorice root Persian Gulph | per | Surat candy of 20 maunds or 746 ⅓ lbs | 30 | 0 | 0 |
| | Metals, viz. | | | | | |
| 222 | " Anchors and Grapnels | per | cwt | 20 | 0 | 0 |
| 223 | " Bird shot | per | ditto | 13 | 0 | 0 |
| 224 | " Copper of sorts and Nails | per | ditto | 45 | 0 | 0 |
| 225 | " Copper old | per | ditto | 40 | 0 | 0 |
| 226 | " Iron Butts, Hoops and Rivets | per | Surat candy of 7 cwt | 7 | 0 | 0 |
| 227 | " " " Country | per | corge | 15 | 0 | 0 |
| 228 | ,, ,, English | per | Surat candy of 20 maunds or 746 ⅔ lbs | 30 | 0 | 0 |
| 229 | " " Swedish and all other parts | per | ditto ditto | 40 | 0 | 0 |
| 230 | " " Frying Pans country | per | cwt | 10 | 0 | 0 |
| 231 | " " Nails of all other sorts | per | ditto | 12 | 0 | 0 |
| 232 | " " Old | per | ditto | 3 | 0 | 0 |
| 233 | " Kentledge Europe | per | ditto | 4 | 0 | 0 |
| 234 | " Lead | per | ditto | 10 | 0 | 0 |
| 235 | " Quicksilve | per | pound | 1 | 0 | 0 |
| 236 | " Red and white Lead | per | cwt | 12 | 0 | 0 |
| 237 | " Spelter | per | ditto | 10 | 0 | 0 |
| 238 | " Steel English | per | ditto | 10 | 0 | 0 |
| 239 | " " Swedish | per | tub of one cwt | 12 | 0 | 0 |
| 240 | " Tin Estern | per | Surat maund of 40 seers or 37¾ lbs | 13 | 0 | 0 |
| 241 | " " Europe | per | cwt | 42 | 0 | 0 |
| 242 | " " Plates | per | box of 225 sheets | 20 | 0 | 0 |
| 243 | " " Tutanague | per | Surat maund of 40 seers or 37¾ lbs | 6 | 0 | 0 |
| 244 | " Moortook (Vitriol) | per | Surat maund of 44 seers or 41 lbs. 06 decl | 12 | 0 | 0 |
| 245 | Mother of Pearl shells, China and Manilla | per | Surat candy of 22 maunds or 821½ lbs | 70 | 0 | 0 |
| 246 | Mother of Pearl Shells, all other places | per | Surat candy of 22 maunds or 821½ lbs | 45 | 0 | 0 |
| 247 | Mourah | per | ditto ditto | 18 | 0 | 0 |
| 248 | Musk | per | pound | 60 | 0 | 0 |
| 249 | Nankeens Company's | per | corge of 20 pieces | 28 | 0 | 0 |
| 250 | " Narrow | per | ditto ditto | 16 | 0 | 0 |
| 251 | Nuckla without skins | per | Surat maund of 44 seers or 41 lbs. 06 dec | 15 | 0 | 0 |
| 252 | " with skins | per | ditto ditto | 8 | 0 | 0 |
| | Ochre of sorts, viz. | | | | | |
| 253 | " Gopechundun Guzerat | per | Surat candy of 22 maunds or 821½ lbs | 3 | 0 | 0 |
| 254 | " Red and white | per | Surat candy of 21 maunds | 3 | 2 | 0 |
| 255 | " Soona Geroo | per | Surat maund of 44 seers | 2 | 0 | 0 |
| 256 | Oils, Cassia fine | per | pound | 4 | 2 | 0 |
| 257 | " common country | per | ditto | 1 | 2 | 0 |
| 258 | " Castor fine | per | Bombay maund of 40 seers | 5 | 0 | 0 |
| 259 | " " common | per | dittto ditto | 2 | 0 | 0 |
| 260 | " Cinnamon | per | pound | 15 | 0 | 0 |
| 261 | " Cocoanut | per | Bombay maund of 40 seers | 2 | 0 | 0 |
| 262 | " Cloves | per | pound | 15 | 0 | 0 |
| 263 | " Dholia | per | Bombay maund of 40 seers | 2 | 2 | 0 |
| 264 | " Fish | per | ditto ditto | 2 | 0 | 0 |
| 265 | " Jinjeely | per | ditto ditto | 2 | 2 | 0 |
| 266 | " Kayaputtee | per | quart bottle | 7 | 0 | 0 |
| 267 | " Mogree | per | Bombay maund of 40 seers | 15 | 0 | 0 |

| No. | Enumeration of Goods. | | | Tariff valuation. Rs. | qr. | rs. |
|---|---|---|---|---|---|---|
| 268 | " Namptha | per | Surat maund of 44 seers | 10 | 0 | 0 |
| 269 | " Nutmeg | per | pound | 30 | 0 | 0 |
| 270 | " Sandal wood | per | ditto | 5 | 0 | 0 |
| 271 | " Selsey | per | Bombay maund of 40 seers | 3 | 0 | 0 |
| 272 | " Ulsey | per | ditto ditto | 4 | 0 | 0 |
| 273 | " Wood Eastern | per | Surat maund of 44 seers | 4 | 2 | 9 |
| 274 | " Woondy | per | Bombay maund of 40 seers | 1 | 2 | 0 |
| 275 | Opium | per | pound | 7 | 0 | 0 |
| 276 | Paper China writing | per | pecul of 133 lbs | 28 | 0 | 0 |
| 277 | " " coloured and gilt | per | box of 4000 sheets | 75 | 0 | 0 |
| 278 | " small size paper | per | box of 40,000 | 75 | 0 | 0 |
| 279 | " Country No. 1st | per | ream of 25 quires | 30 | 0 | 0 |
| 280 | " " 2d | per | ditto | 20 | 0 | 0 |
| 281 | " " 3d | per | ditto | 18 | 0 | 0 |
| 282 | " " 4th | per | ditto | 15 | 0 | 0 |
| 283 | " " 5th | per | ditto | 13 | 0 | 0 |
| 284 | " " 6th | per | ditto | 8 | 0 | 0 |
| 285 | " " 7th | per | ditto | 8 | 0 | 0 |
| 286 | " " 8th | per | ditto | 6 | 0 | 0 |
| 287 | " " 9th | per | ditto | 3 | 2 | 0 |
| 288 | Patchleaves ( Lavander flowers) | per | Surat maund of 44 seers | 4 | 0 | 0 |
| 289 | Paving stones | per | hundred | 10 | 0 | 0 |
| 290 | Penock ( oil cakes ) | per | Surat candy of 22 maunds | 5 | 0 | 0 |
| 291 | Pitch and Tar American | per | barrel | 6 | 0 | 0 |
| 292 | " " Europe | per | ditto | 8 | 0 | 0 |
| 293 | Plate Silver | per | tolla | 1 | 1 | 0 |
| 294 | Provisions, Salt Beef and Pork | per | tierce of 336 lbs | 45 | 0 | 0 |
| 295 | Putchuck or Woeplate | per | Surat maund of 44 seers | 6 | 0 | 0 |
| 296 | Red Sanders wood | per | Surat candy of 22 maunds | 15 | 0 | 0 |
| 297 | Roghan (Varnish Europe) | per | maund of 40 seers | 8 | 0 | 0 |
| 298 | Rose Melloes | per | two Bombay maunds or 56 lbs. without allowance for Tare | 20 | 0 | 0 |
| 299 | Saffron country | per | pound | 8 | 0 | 0 |
| 300 | " Europe | per | ditto | 14 | 0 | 0 |
| 301 | Sago | per | Surat maund of 44 seers | 4 | 0 | 0 |
| 302 | Sajeekhar (Alkali) | per | Surat candy of 22 maunds | 4 | 0 | 0 |
| 303 | Salt Europe | per | bushel | 0 | 1 | 0 |
| 304 | " Petre | per | bag of 161 lbs. gross | 9 | 0 | 0 |
| 305 | Salum (Salep) | per | Surat maund of 44 seers | 15 | 0 | 0 |
| 306 | Samada stones (Emery stone) | per | ditto | 2 | 0 | 0 |
| 307 | Sandalwood Ist sort 40 pieces | per | candy | 90 | 0 | 0 |
| 308 | " 2d ditto 100 ditto | per | ditto | 60 | 0 | 0 |
| 309 | " all others | per | Bombay candy of 21 maunds | 40 | 0 | 0 |
| 310 | " Shavings | per | ditto ditto | 15 | 0 | 0 |
| | Seeds of various sorts. | | | | | |
| 311 | " Aniseed country | per | Surat maund of 40 seers | 5 | 0 | 0 |
| 312 | " " Europe | per | ditto ditto | 8 | 0 | 0 |
| 313 | Azmah | per | Bombay candy of 8 parahs | 11 | 0 | 0 |
| 314 | Badian (star Aniseed) | per | Surat maund of 44 seers | 5 | 0 | 0 |
| 315 | Bhoysing | per | Surat candy of 22 maunds | 35 | 0 | 0 |
| 316 | Bullbeg seed | per | Surat maund of 44 seers | 2 | 2 | 0 |
| 317 | Cajoo nuts | per | Bombay candy of 21 maunds | 10 | 0 | 0 |
| 318 | " " Seeds | per | Bombay maund of 42 seers | 2 | 0 | 0 |
| 319 | Charollee see | per | Surat maund of 44 seers | 10 | 0 | 0 |
| 320 | " Cointer seed or Dhana | per | candy of 8 parahs | 17 | 0 | 0 |
| 321 | " Cotton seed Guzerat | per | Surat candy of 22 maunds | 9 | 0 | 0 |
| 322 | " Cummin seed Jeerah | per | Surat maund of 44 seers | 4 | 1 | 0 |
| 323 | " " Black | per | ditto ditto | 2 | 0 | 0 |
| 324 | " Esubgool | per | ditto ditto | 2 | 2 | 0 |
| 325 | Fennel seed | per | ditto ditto | 3 | 1 | 0 |
| 326 | " Hulem or cress seed | per | Surat candy of 22 maunds | 30 | 0 | 0 |
| 327 | " Juttamasey (spikenard) | per | Surat maund of 44 seers | 6 | 0 | 0 |
| 328 | " Kolungey Bengal | per | ditto ditto | 3 | 0 | 0 |
| 329 | " Metee | per | candy of 8 parahs | 35 | 0 | 0 |
| 330 | " Mustard seed, country | per | ditto ditto | 30 | 0 | 0 |
| 331 | " Popy seed or cuscus | per | Surat maund of 44 seers | 2 | 0 | 0 |
| 332 | " Quien seed with shells Persian Gulph | per | ditto ditto | 5 | 0 | 0 |
| 333 | " " without shell | per | ditto ditto | 15 | 0 | 0 |
| 334 | " Sawjeerah from Gulph | per | ditto ditto | 6 | 0 | 0 |
| 335 | " Country and Scind | per | ditto ditto | 4 | 0 | 0 |
| 336 | " Soowah | per | candy of 8 parahs | 14 | 0 | 0 |
| 337 | " Tookmeriah | per | Surat maund of 44 seers | 1 | 2 | 0 |
| 338 | " Voyviding | per | Bombay candy of 21 maunds | 15 | 0 | 0 |
| 339 | " Sea cow, sea horse, or sea morse teeth | per | Surat maund of 40 seers | 45 | 0 | 0 |
| 340 | " Shark fins | per | cwt | 22 | 2 | 0 |
| 341 | " Silk, raw, Bengal Company's Cossim-Bazar, Radnagore, Malda and Ballea | per | pound (per sample) | 7 | 0 | 0 |

By samples of each.

| No. | Enumeration of Goods. | | | Tariff valuation. Rs. | qr. | rs. |
|---|---|---|---|---|---|---|
| 342 | " Native same districts | per | pound (per sample) | 6 | 0 | 0 |
| 343 | " Bombay market 1st sort | per | ditto (per ditto) | 5 | 0 | 0 |
| 344 | " " 2d ditto | per | ditto (per ditto) | 4 | 0 | 0 |
| 345 | " " Cutchera | per | ditto (per ditto) | 0 | 2 | 0 |
| 346 | " Canton, except as under | per | ditto | 4 | 0 | 0 |
| 347 | " Cutchura or lowest quality | per | ditto | 1 | 1 | 0 |
| 348 | " China Nankeen 1st and 2d sorts | per | ditto | 5 | 2 | 0 |
| 349 | " " Persian | per | ditto | 3 | 2 | 0 |
| 350 | " Soda water | per | dozen quarts | 3 | 0 | 0 |
| 351 | " Soop country | per | cwt | 10 | 0 | 0 |
| | Spices, viz. | | | | | |
| 352 | " Cardamums | per | Surat maund of 42 seers | 40 | 0 | 0 |
| 353 | " Cassia | per | pound | 0 | 1 | 50 |
| 354 | " " Buds or Nogkesacer | per | ditto | 1 | 2 | 0 |
| 355 | " " Lignea coarse Malabar | per | Surat candy of 22 maunds | 25 | 0 | 0 |
| 356 | " Cloves | per | Surat maund of 42 seers | 42 | 0 | 0 |
| 357 | " Cubebs | per | Surat maund of 44 seers | 20 | 0 | 0 |
| 358 | " Ginger Bengal | per | Surat candy of 22 maunds | 50 | 0 | 0 |
| 359 | " Ginger Malabar | per | Bombay candy of 21 maunds | 50 | 0 | 0 |
| 360 | " Mace | per | pound | 1 | 2 | 0 |
| 361 | " Nutmegs | per | ditto | 1 | 1 | 0 |
| 362 | " Pepper of all sorts | per | Bombay candy of 21 maunds | 75 | 0 | 0 |
| 363 | " Ramputree (False Mace) | per | Surat maund of 44 seers | 2 | 1 | 0 |
| 364 | " Tamalpatree | per | Surat candy of 20 maunds | 10 | 0 | 0 |
| | Spirits, vizt. | | | | | |
| 365 | " Arrack Foreign | per | gallon | 0 | 2 | 0 |
| 366 | " Arrack Mourah | per | ditto | 0 | 1 | 50 |
| 367 | " Brandy | per | ditto | 1 | 2 | 0 |
| 368 | " Gin | per | ditto | 1 | 2 | 0 |
| 369 | " Rum country | per | ditto | 0 | 3 | 0 |
| 370 | " " Europe and Rum shrub in cask | per | ditto | 1 | 0 | 0 |
| 371 | " Whiskey | per | ditto | 2 | 0 | 0 |
| 372 | " Spirit of Turpentine Europe | per | ditto | 2 | 0 | 0 |
| 373 | " Spruce Essence of | per | dozen of pots | 3 | 0 | 0 |
| | Sugar, viz. | | | | | |
| 374 | " Bengal Raw of all sorts | per | bag of 6 Bombay maunds | 19 | 0 | 0 |
| 375 | " China Raw of all sorts | per | Surat maund of 41 seers | 3 | 2 | 0 |
| 376 | " Manilla and Batavia | per | ditto | 3 | 1 | 0 |
| 377 | " Mauritius | per | ditto | 3 | 0 | 0 |
| 378 | " Siam of all sorts | per | Surat maund of 40 seers | 3 | 2 | 0 |
| 379 | " Candy China Chinchow | per | ditto of 43¼ ditto | 6 | 2 | 0 |
| 380 | " Canton | per | ditto ditto | 5 | 0 | 0 |
| 381 | Sunk'h (a shell) | per | hundred | 10 | 0 | 0 |
| 382 | Talk Bengal (Abruck) | per | Surat maund of 44 seers | 10 | 0 | 0 |
| 383 | " Ghauty | per | ditto ditto | 4 | 0 | 0 |
| | Tea, viz. | | | | | |
| 384 | " Hyson | per | pecul chest (per sample) | 90 | 0 | 0 |
| 385 | " " | per | half pecul chest | 45 | 0 | 0 |
| 386 | " Skin | per | pecul chest (per ditto) | 45 | 0 | 0 |
| 387 | " " | per | half pecul chest | 22 | 2 | 0 |
| 388 | " Souching | per | pecul chest (per ditto | 75 | 0 | 0 |
| 389 | " " | per | half pecul chest | 37 | 2 | 0 |
| 390 | " Tiles China thick | per | hundred | 14 | 0 | 0 |
| 391 | " " Thin | per | ditto | 7 | 0 | 0 |
| 392 | Tincal (Tankunkhar) | per | Surat maund of 44 seers | 6 | 0 | 0 |
| 393 | Tobacco Europe and America | per | pound | 0 | 1 | 0 |
| 394 | " Country | per | Surat maund of 42 seers | 1 | 2 | 0 |
| 395 | " Snuff | per | pound | 3 | 0 | 0 |
| 596 | Tortoiseshell eastern 1st sort | per | Surat maund of 40½ seers | 600 | 0 | 0 |
| 397 | By samples of each. " " 2d ditto | per | ditto ditto | 400 | 0 | 0 |
| 398 | Small 3d ditto | per | ditto ditto | 250 | 0 | 0 |
| 399 | Persian, Arabian Gulph, and Surat | per | ditto ditto | 275 | 0 | 0 |
| 400 | Turpentine | per | barrel | 6 | 0 | 0 |
| 401 | Vegetable syrup | per | quart bottle | 7 | 0 | 0 |
| 402 | Verdigris | per | Surat maund of 44 seers | 25 | 0 | 0 |
| 403 | Vermillion China | per | box of 90 bundles | 70 | 0 | 0 |
| 404 | " Country | per | Surat maund of 40 seers | 50 | 0 | 0 |
| 405 | Vinegar country | per | gallon | 0 | 1 | 0 |
| 406 | " Europe | per | ditto | 0 | 2 | 0 |
| 407 | Wax | per | Bombay maund of 42 seers | 15 | 0 | 0 |
| | Wines, viz. | | | | | |
| 408 | " Cape Madeira and all other Cape Wine | per | pipe of 110 gallons | 100 | 0 | 0 |
| 409 | " Constantia and sweet wine from the Cape | per | gallon | 6 | 0 | 0 |

| No. | Enumeration of Goods. | | | Tariff valuation. Rs | qr | rs. |
|---|---|---|---|---|---|---|
| 410 | " Shiraz wines | per | gallon | 2 | 2 | 0 |
| 411 | " Champagnes from every quarter | per | dozen quarts | 30 | 0 | 0 |
| 412 | " Claret from the United Kingdom | per | ditto | 27 | 0 | 0 |
| 413 | " 2d Growth Ditto | per | ditto | 20 | 0 | 0 |
| | French Wines. | | | | | |
| 414 | " Clarets, Burgandy, Hermitage, Hock, and all French wines from the United Kingdom | per | ditto | 25 | 0 | 0 |
| 415 | " Ditto ditto from Foreign Europe and America | per | ditto | 15 | 0 | 0 |
| 416 | " Lemonade | per | ditto | 20 | 0 | 0 |
| 417 | " Liqueurs | per | ditto of all sorts | 20 | 0 | 0 |
| 418 | Madeira London purticular | per | pipe of 110 gallons | 360 | 0 | 0 |
| 419 | " Ditto ditto | per | half pipe | 180 | 0 | 0 |
| 420 | " Ditto ditto | per | dozen quarts | 14 | 0 | 0 |
| 421 | " Ditto Market | per | pipe | 200 | 0 | 0 |
| 422 | " Ditto ditto | per | half pipe | 100 | 0 | 0 |
| 423 | " Ditto ditto | per | dozen quarts | 10 | 0 | 0 |
| 424 | " Malmsey | per | pipe | 600 | 0 | 0 |
| 425 | " Ditto | per | half pipe | 300 | 0 | 0 |
| 426 | " Ditto | per | dozen quarts | 18 | 0 | 0 |
| 427 | " Port wine | per | pipe of 138 gallons | 288 | 0 | 0 |
| 428 | " Ditto | per | half pipe | 144 | 0 | 0 |
| 429 | " Ditto | per | dozen quarts | 13 | 0 | 0 |
| 430 | " Sherry and all other Spanish and Portuguese wines | per | butt of 140 gallons | 320 | 0 | 0 |
| 431 | " " | per | half ditto | 160 | 0 | 0 |
| 432 | " " | per | dozen quarts | 13 | 0 | 0 |
| 433 | Teneriffe and all Mediterranean wines not French or Spanish | per | pipe of 120 gallons | 200 | 0 | 0 |
| 434 | " | per | half pipe | 100 | 0 | 0 |
| 435 | " | per | dozen quarts | 10 | 0 | 0 |
| 436 | Wool country | per | Surat candy of 22 maunds | 30 | 0 | 0 |
| 437 | " Persian Gulph | per | Surat maund of 40 seers | 3 | 2 | 0 |

BOMBAY CASTLE,
29TH AUGUST 1827.

*By order of the Honorable the Governor in Council.*
JOHN BAX,
*Sec. to Govt.*

(Revenue Branch.)

# REGULATION XXI. A. D. 1827.

A REGULATION for collecting Customs on Opium and other specified Articles, and imposing restrictions on the Trade therein, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India.—PASSED by the Governor in Council on the 1st January 1827, coresponding with the 4th Poush Sood Sumbut, or Vikramaject Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of thirteen (13) Chapters, as below :—


| Number of Chapter. | Title. | Commencing Section. |
|---|---|---|
| I. | Duties to be levied, except under certain circumstances, on Opium imported at the Presidency of Bombay or in the Territories subordinate thereto..... | I. |
| II. | Penalties for smuggling Opium, and for abetting and concealing the said smuggling, modes of enforcing those Penalties, and Rewards to Informers ..... | III. |
| III. | Of the supply of Opium for internal consumption, and of its passage from place to place ..... | VIII. |
| IV. | Rules for the retail sale of Opium, and Penalties for breach of the same ..... | X. |
| V. | Places at the Presidency of Bombay where Tobacco and Snuff, not being of British manufacture, and Ganza, are allowed to be imported, and prohibition against their being imported elsewhere at said Presidency, forms to be observed on their Importation, and Duties to be levied ..... | XVII. |
| VI. | Rules under which Tobacco and Snuff, not being of British manufacture, and Ganza, which have been imported into the Island of Bombay, shall be deposited in and delivered out of the Custom House Warehouse, and for sale of the said Articles at the Presidency ..... | XX. |
| VII. | Rules for the Exportation from the Presidency of Tobacco and Snuff, not being of British manufacture, and Ganza, and drawback allowed on the same..... | XXXII. |
| VIII. | Penalties for smuggling Tobacco or Snuff, not being of British manufacture, or Ganza, at the Presidency of Bombay, and for abetting or concealing the same, and for breach of the Rules established for the retail trade in the same, mode of enforcing the said Penalties, and Rewards to Informers ..... | XXXIV. |
| IX. | Restrictive Rules for the retail sale of Poisonous substances within the Zillas subordinate to the Presidency of Bombay ..... | XLIV. |
| X. | Rules regarding the Importation of Liquors at Bombay, and Duties to be levied thereon ..... | XLVI. |
| XI. | Rules under which Spirituous Liquors are allowed to be manufactured at Stations subordinate to the Presidency of Bombay, and Duties to be levied thereon.. | LIV. |
| XII. | Rules under which Spirituous Liquors of country manufacture are allowed to be sold at Stations subordinate to the Presidency of Bombay, and Duty to be levied thereon ..... | LXI. |
| XIII. | Penalties for breach of the Rules contained in Chapters XI. and XII., mode of enforcing them, and Rewards to Informers ..... | LXVII. |

(Revenue Branch.)

# REGULATION XXI. A. D. 1827.

REGULATION for collecting Customs on Opium and other specified articles, and imposing restrictions on the Trade therein, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vickramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Preamble.

WHEREAS it has appeared expedient to the Governor in Council of Bombay, with the combined views of checking deleterious and vicious habits in the people, and of securing and improving the public revenue, that the importation and sale at Bombay, or at any port or place within the zillas subordinate thereto, of opium made without the limits of the Presidency of Fort William or territories immediately dependent thereon, should, with certain exceptions, be placed under restrictive provisions; that the importation and sale at Bombay of Tobacco and Foreign Snuff and Ganja, and the exportation thereof from the said place, should be so regulated as to admit of efficient superintendence, and render difficult evasions of the law; that throughout the zillas subordinate to Bombay the retail sale of certain poisonous substances without a Licence should be prohibited; that the Rules regarding the importation of spirituous Liquors at Bombay and the duties to be levied thereon should be consolidated, and that the manufacture and sale of Spirituous Liquors in the zillas subordinate to Bombay should be subjected to strict and vigilant control, the following Rules have therefore been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

### DUTIES TO BE LEVIED, EXCEPT UNDER CERTAIN CIRCUMSTANCES, ON OPIUM IMPORTED AT THE PRESIDENCY OF BOMBAY OR IN THE TERITORIES SUBORDINATE THERETO.

Opium liable to 12 Rs. per Surat Seer Import Duty, at Bombay and its subordinates.

SECTION I.—*Clause 1st.*—All opium, except as excepted in the succeeding clause, shall be subject to a duty of twelve (12) Rupees of local currency per Surat seer on being imported or brought into any harbour or roads, or port or place, either by land or sea, within the Presidency of Bombay, or territories subordinate thereto, whether such opium be landed or transhipped or retained, or brought for use, or to be conveyed to any other place; provided that such small quantities in no case exceeding one quarter of a Surat seer, as may be found in the possession of individuals under circumstances satisfactorily indicating that they are meant for consumption during the voyage or journey, are not to involve any consequences by virtue of this regulation.

Certain Importations not subject to the Duty.

*Clause 2nd.*—The provisions of the preceding clause shall not apply to opium imported by Government, nor to opium regularly manifested from the United Kingdom,

or imported under treaty with His Majesty for consignment to any place out of the Company's limits, nor to opium made within the limits of the Presidency of Fort William or the territories immediately dependent thereon.

Such Duty to be in excess of ordinary Customs Duties leviable by the Regulations.

*Clause* 3*rd.*—The duty imposed by this Regulation shall be collected according to the general rules and provisions for sea and land customs and duties, subject in addition to the specific provisions of this Regulation, and shall not be understood to exempt the opium on which it is imposed from any other duty which may be leviable by the Custom House Regulations.

Imported Opium may be deposited for 12 months without paying Duties, at the Owner's option.

SECTION II.—*Clause* 1*st.*—The owners of opium imported under the provisions of Clause 1st Section I. shall be at liberty, instead of paying the duties (either such as established by this or any other Regulation) on its importation, to deposit it in any warehouse approved of by the Governor in Council under mutual charge of the owner and the officer whose duty it may be to collect the duties, and there to keep it without paying any duty for a period not exceeding twelve (12) calendar months to be computed from the date of its deposit.

Such deposited Opium removeable at any intermediate time on paying Duties.

*Clause* 2*nd.*—The owners, or their agents, of opium deposited according to the provisions of the preceding clause shall be at liberty to remove the said opium, on payment of the duties at any time within the prescribed period of twelve calendar months, after which, if the duties shall not have been paid, it shall be lawful for the Governor in Council to cause the officer in charge of the collection of customs or duties, to dispose of the said opium as provided in the succeeding clause.

But after 12 months to be sold by Auction, and the proceeds in excess of Duties to be given to the Owners, but if in deficiency, the Opium to be destroyed.

*Clause* 3*rd.*—The said opium shall be offered for sale by public auction, and if the price offered do not amount to the customs duties chargeable, the opium shall be effectually destroyed in presence of the officer in charge of the collection of the said customs or duties; but if the price be equal or superior in amount to the said customs or duties, the opium shall be sold, and the customs or duties paid from the proceeds, and if there be an overplus, it shall be given to the owners of the opium or their agents.

## CHAPTER II.

### PENALTIES FOR SMUGGLING OPIUM, AND FOR ABETTING AND CONCEALING THE SAID SMUGGLING, MODES OF ENFORCING THOSE PENALTIES, AND REWARDS TO INFORMERS.

Confiscation of smuggled Opium, and of the Articles accompanying it.

SECTION III.—All opium brought to the Presidency of Bombay, or any place within the zillas subordinate thereto, in a manner different from or without following the provisions enacted for its importation, shall be deemed to be smuggled, and shall be confiscated and disposed of as directed in Section VI. Clauses 5th and 6th; and further, every vessel, carriage, and animal actually in use in conveying or containing such smuggled opium at the time of the seizure, and the contents of any package in which such opium may be concealed, shall also be confiscated and disposed of in like manner.

Persons keeping smuggled Opium to forfeit double the value, and double the amount of Duty on it.

SECTION IV.—In case any person or persons shall knowingly harbour or keep or conceal, or shall permit to be harboured or kept or concealed, any smuggled opium, whether or not he or she or they have property or interest therein, such person or persons shall for each such act forfeit double the value of such opium to be ascertained on its sale by auction, as prescribed in Section VI. Clause 5th, and double the amount of duty leviable on it, which forfeitures shall be enforced in the mode prescribed in Section VII.

Seizure and deposit of smuggled Opium found by Collectors or Police Establishment.

SECTION V.—*Clause* 1*st.*—If any smuggled opium be found by a collector of sea customs or land revenue, or police magistrate, or any person on their respective establishments, it shall be his duty to seize the said opium, with every package in which it may be contained, and every vessel or carriage or animal in use in conveying or containing it, and to deposit the said seizure in the nearest place of security, and to give immediate information thereof, if it shall not have been already furnished, to the officer in charge of the collection of customs at the spot where the seizure was made.

Search Warrant for smuggled Opium on information on Oath.

*Clause 2nd.*—If any credible person shall give information on oath to a collector of land revenue or sea customs, or to a police magistrate, of any smuggled opium being kept in any vessel, or building, or place whatsoever, the officer to whom such information is given is authorized and required to issue a warrant under his hand and seal to a constable, or any other trustworthy person or persons, commanding them to enter between sunrise and sunset into such vessel, or building, or place, and if necessary to break open doors, or chests or packages, and to seize and deposit in the nearest place of security all such opium with the vessel and the packages in which it may be contained, and the contents of such packages: when the seizure has been effected, the officer who issued the warrant is to give information thereof, if it has not been already furnished, to the officer whose duty it is to collect the customs on opium at the place where it was seized.

Confiscation of such Opium and Packages if unclaimed for one month.

SECTION VI.—*Clause 1st.*—From the time that information is given to the officer whose duty it is to collect the customs on opium, that any of that article has been seized and deposited by virtue of the preceding section, it is to be considered as under his charge, and if no person claim it as owner or agent for the owner within one month from the seizure, such opium, and also the vessel and the packages in which it was contained, and the contents of such packages, are to be confiscated and disposed of as directed in Clause 5th.

The Opium to be restored if on Suit instituted within three months the Duties are proved to have been paid.

*Clause 2nd.*—If within the said period of one month the owner or any agent on his part should claim the opium so seized, and subsequently prove, by suit instituted within three (3) months from the seizure in the Court having jurisdiction in the case under the provisions of the following clause, that the full amount of customs has been paid, and the opium in every respect legally imported, the articles seized shall be restored, but if he fail in such proof, the articles seized shall be confiscated as above specified.

Summary Decision if the Opium seized do not exceed one Maund, and the article seized with it do not exceed in value Rs. 500.

*Clause 3rd.*—If the quantity of opium seized on any one occasion do not exceed one maund, and the articles seized with it do not exceed in value 500 rupees, any suit respecting it by virtue of the preceding clause is to be instituted and decided summarily, if within the jurisdiction of his Majesty's Supreme Court of Judicature, in the Court of Petty Sessions, and if within the jurisdiction of a Zilla Court, then it is to be instituted and decided summarily before the Magistrate: but, if the opium seized be more in quantity, or the value of the articles seized with it greater than above specified, then the suit is to be instituted either in His Majesty's Supreme Court of Judicature, or the Zilla Civil Court, according as the jurisdiction applies.

Otherwise Decision by the Supreme or Zilla Court.

Proviso for the recovery of Articles accompanying the Opium on Suit instituted, and proof of payment of Duties.

*Clause 4th.*—If neither the owner of seized opium nor any one on his behalf should seek to recover it under the provisions of Clause 2nd of this Section, it shall nevertheless be competent to the owner (or his agent) of any articles that may have been seized with the opium to institute a suit under the rules, and for the purpose described in the said clause, and if he succeed in proving that the opium has been legally imported, and has paid the duties chargeable upon it, he shall then recover such part of the seizure as may be proved to be his own property.

Public Sale of Confiscations and distribution of the Proceeds.

*Clause 5th.*—All confiscated seizures shall be sold by public auction at a time and place to be notified publicly at least a week previous to the sale: if there be any informer or informers, one-third of the proceeds shall be given to him, or her, or them; the remainder, or, if there be no informer, the whole, shall be applied as the Governor in Council may direct.

Special case of Opium not selling for Rs. 12 per Seer.

*Clause 6th.*—Confiscated opium sold by public auction shall, if the price obtained be not less than the amount of customs or duties chargeable, be, on payment of the purchase money, delivered to the purchaser, but if the price obtained be less than the said amount, the opium shall be placed in charge of the officer vested by virtue of Section VIII. Clause 1st, with the duty of keeping and supplying opium for the retail trade, and shall be by him furnished from time to time to licensed retailers upon application from the owner, and agreeably to the rules contained in Chapters III. and IV.

Penalty for abetting smuggling of Opium.

SECTION VII.—*Clause 1st.*—The penalty for abetting the smuggling of opium as described in Section IV. of this Regulation shall be enforced by information before

Limitation of Imprisonment in commutation of Forfeiture.

the Zilla Magistrate or Criminal Judge according to the general code, if the act were committed within the jurisdiction of any Zilla Court, and the period of imprisonment assignable in commutation of the forfeiture shall not exceed two years.

Proviso as to the Tribunal in Bombay.

*Clause 2nd.*—But if the act were committed within the jurisdiction of His Majesty's Supreme Court of Judicature, the case shall, on prosecution by the collector of the customs on opium, be tried, and, if the offence be proved, the forfeiture shall be levied, or a suitable punishment in commutation thereof shall be awarded by the Court of Petty Sessions, unless the amount of the forfeiture should exceed 500 Bombay rupees, when the case will be tried and determined by the said Supreme Court.

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## CHAPTER III.

### OF THE SUPPLY OF OPIUM FOR INTERNAL CONSUMPTION, AND OF ITS PASSAGE FROM PLACE TO PLACE.

Collector of Land Revenue to have charge of Opium for supply of the Retail Trade.

SECTION VIII.—*Clause 1st.*—The Collector of the Land Revenue in each zilla, or other officer appointed for the purpose by Government, shall be intrusted with the charge of opium for the supply of the retail trade: he shall with the sanction of Government establish depôts of opium, and frame and promulgate rules for its sale in all particulars not specially provided for by Regulation.

And furnish Licensed Dealers with Opium from the Depôts.

*Clause 2nd.*—Opium shall be furnished from the depôts to licensed dealers in opium for the purpose of supplying the retail trade within each zilla respectively, under the provisions of the succeeding chapter.

Pass for Opium purchased for retail at another place.

SECTION IX.—*Clause 1st.*—When opium is purchased from a depôt for the purpose of retail at another place, the Collector shall furnish the purchaser with a pass specifying his name, the quantity of opium which is permitted to pass the depôt from which it was purchased, the route by which it proceeds, its place of destination, and the probable period of its arrival, and this pass shall be authority to the officers in charge of the collection of customs on the route to allow it to proceed to its place of destination, under the rules contained in the following clauses of this section.

Inspection of Packages.

*Clause 2nd.*—Such officers shall, however, ascertain, by examining so many of the packages, and in such way as may suffice for the purpose, whether or not the quantity agrees with that specified in the pass.

If excess discovered the whole liable to confiscation; and deficiency, 12 Rs. duty per Seer to be levied thereon.

*Clause 3rd.*—If there be any excess which shall not be satisfactorily accounted for, the whole of the opium shall be liable to be seized and confiscated as smuggled opium, and the dealer shall be deemed to have incurred the penalties and forfeitures enacted against retailers of opium convicted of aiding and abetting the smuggling of opium, and if there be any deficiency in like manner unexplained, a duty of twelve (12) rupees local currency per each Surat seer shall be levied by the Collector on the quantity deficient.

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## CHAPTER IV.

### RULES FOR THE RETAIL SALE OF OPIUM, AND PENALTIES FOR BREACH OF THE SAME.

Retailers.

SECTION X.—*Clause 1st.*—Any person selling at one distinct sale a smaller quantity of opium than two Surat maunds shall be considered a retailer, and liable to the rules enacted for such.

To obtain Licence from the Collector.

*Clause 2nd.*—No person shall sell or offer to sell opium by retail without previously obtaining a licence from the Collector of Land Revenue at the place as directed in the following section.

Fine of 50 Rs. for retailing Opium without Licence.

*Clause 3rd.*—Any person so retailing opium without the said licence shall be liable for each such act to a fine of fifty rupees, to be enforced in the mode described for

other penalties in Section VII., besides which the opium so sold or offered for sale shall be confiscated, together with any other opium found in the house or at the place, according to the provisions of Sections V. and VI. of this Regulation.

And the Opium to be confiscated.

*Clause 4th.*—If any person have in his possession (without being a licenced retailer) a greater quantity of opium than one quarter of a Surat seer, the same not having been imported according to the provisions of Chapter I. of this Regulation, nor procured in any other lawful way, he shall be liable to the penalties enacted in Section IV. for abetting smuggling, to be enforced in the manner directed in Section VII.

Any person possessing above ¼ Surat Seer of Opium not shown to have been legally obtained, liable to Penalties of abetting smuggling.

*Clause 5th.*—If smuggled opium be found in possession of a licensed retailer, such retailer, in addition to the confiscation of the smuggled opium, shall forfeit his licence, and all other opium found in his possession shall also be confiscated, and, if he be convicted in the mode described in Section VII. of having knowingly had smuggled opium in his possession during the term of his licence, he shall, in addition to the penalties enacted in Section IV. for abetting the smuggling of opium, to be enforced as described in Section VII., be liable to the further forfeiture and confiscation above specified in the present section.

Licensed Retailers possesing smuggled Opium to forfeit Licence, &c.

SECTION XI.—*Clause 1st.*—Collectors of land revenue shall grant such number of licences for the retail of opium as may be sufficient to supply the demand in their respective collectorates, and they shall be made in the form in Appendix A.

Licences, Appendix A.

*Clause 2nd.*—Each licence shall authorize the keeping and selling opium only at one specific place and for a specific period, not exceeding one year, which period, however, must always reach to the Dewalee: and it is not intended to prohibit an individual taking out at the same time different licences for different places.

Limitation of time and place of Sale.

SECTION XII.—The Collector shall on application from retail dealers furnish them with opium from the several depôts under his superintendence, but no retailer having opium already in possession shall be furnished with a further supply, unless his stock in hand be shown by the books specified in Section XVI. to be reduced to five Surat seers, and no larger quantity than two Surat maunds shall be delivered out at one time on the same licence.

Limitation of quantity to be furnished to the Retailers.

SECTION XIII.—Any retailer convicted before the authority mentioned in Section VII. of selling more than a quarter of a Surat seer of opium to the same person within three successive days, unless with the permission of the officer charged with the duty of keeping and furnishing opium for the retail trade, or of some officer duly authorized by him to grant it, shall be fined at the rate of twenty (20) rupees per Surat seer for the quantity so sold in excess.

Penalty for selling above ¼ Seer to one person in three days without authority.

SECTION XIV.—Every retailer shall keep affixed, to a conspicuous part of the outside of his shop, a board, with an inscription specifying that opium is retailed there, and if convicted before the authority specified in Section VII. of omitting to do so, his licence shall be forfeited.

Board to be affixed.

SECTION XV.—*Clause 1st.*—Each retailer shall make a return to the Collector on the 1st of each month of the quantity of opium he had on hand at the commencement of the preceding month, and of the quantities he received and sold during that month, and of the balance remaining at the date of the return; and if he have taken out more than one licence, there shall be a separate return for each.

Returns to be furnished.

*Clause 2nd.*—If a retailer neglect to make the return specified in the preceding clause, or if he make a false return, he shall on conviction before the authority mentioned in Section VII. forfeit his licence, and all the opium found in his shop shall be confiscated and disposed of according to the rules in Clauses 5th and 6th of Section VI.

Penalties.

SECTION XVI.—*Clause 1st.*—A book shall be kept by the retailer containing a detailed account of the sales of opium; on each licence a separate book shall be kept.

Book of Sales.

*Clause 2nd.*—The Collector of Land Revenue or any person furnished with a specific order from him shall be at liberty at all times to inspect the said book at the place of

Liberty of examination to the Collector, &c.

sale, or, if requisite, elsewhere; and also at any time between sunrise and sunset to enter any such place of sale, and to take an account of any opium that may be there.

Penalties.

*Clause* 3*rd*.—Any retailer failing to produce the said book within an hour after its being demanded, or making a false entry in it, or obstructing the search mentioned in the preceding clause, shall, on conviction before the authority mentioned in Section VII., forfeit his licence, and all the opium found in his shop shall also be confiscated and disposed of according to the rules in Clauses 5th and 6th of Section VI.

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## CHAPTER V.

PLACES AT THE PRESIDENCY OF BOMBAY WHERE TOBACCO AND SNUFF, NOT BEING OF BRITISH MANUFACTURE, AND GANZA, ARE ALLOWED TO BE IMPORTED, AND PROHIBITION AGAINST THEIR BEING IMPORTED ELSEWHERE AT THE SAID PRESIDENCY; FORMS TO BE OBSERVED ON THEIR IMPORTATION, AND DUTIES TO BE LEVIED.

Places at which alone Tobacco, Snuff, & Ganza are allowed to be imported.

SECTION XVII.—*Clause* 1*st*.—Tobacco and foreign snuff and ganza shall be allowed to be imported into the island of Bombay by landing directly at the custom houses within the Fort and at Musjed Bunder, or at the custom house at Mahim, and at no other place on the island, under the penalties specified in Section XXXIV. Clause 1st.

Explanation regarding Old Woman's Island, or Colaba.

*Clause* 2*nd*.—Tobacco and foreign snuff and ganza shall not be imported under the penalties cited in the preceding clause at any place in Old Woman's Island or Colaba, except such as may be conveyed there by the ferry from Bombay in conformity to the rules for issuing permits subsequently stated in Section XXII.

Snuff and Ganza when imported to be Warehoused.

*Clause* 3*rd*.—Foreign snuff or ganza imported into the island of Bombay as above permitted shall immediately be warehoused in conformity to the provisions of Chapter VI. of this Regulation: when tobacco is imported, it shall be optional with the importer,

Conditions on which Tobacco may pay Duty and pass.

either to warehouse it in like manner, or to pay the duties leviable under Section XIX., in which latter case he shall receive a permit, and be allowed to pass the article to its place of deposit. Tobacco so passed will, whenever subsequently removed, require a permit as prescribed in Section XXII., and shall be exportable, but without drawback, under the rules enacted in Section XXXII. Clause 1st for tobacco which has passed the custom house for internal consumption.

Vessels under 500 Candies burthen laden with Tobacco, &c. to be reported to the Custom Officers.

SECTION XVIII.—*Clause* 1*st*.—When any vessel not exceeding 500 candies burthen, having tobacco or foreign snuff or ganza on board, shall arrive or anchor within any of the waters or ports of the island of Bombay or Old Woman's Island, or Colaba, the owner or person in charge of the said vessel shall, within twenty-four hours, under the penalties in case of failure specified in Section XXXIV. Clause 2nd, report the same to the officer in charge of the customs at the place, and deliver to him a written account of the quantity of the said articles on board.

Packages to be marked and numbered.

*Clause* 2*nd*.—The said officer shall then cause a trustworthy person or persons belonging to the custom house establishment to proceed on board, and mark every box or case or other package, in which tobacco or foreign snuff or ganza may be contained, with such mark as the officer may direct, and also with progressive numbers, and none of the said articles shall be removed from on board such vessel without having been thus marked.

Provision as to the landing and deposit of such Tobacco, &c.

*Clause* 3*rd*.—When the packages have been marked as directed in the preceding section, the proprietors or their agents shall forthwith, in presence of him or those who were sent to make the marks, land the said packages, under the penalties in case of failure specified in Section XXXIV. Clause 3rd, and convey them to the custom house warehouse, where they shall be deposited under the provisions of Chapter VI. of this Regulation.

Duty on Tobacco Rupees 3 per Maund,

SECTION XIX.—*Clause* 1*st*.—On tobacco imported into the island of Bombay shall be levied a duty of three (3) Bombay Rupees per Bombay maund, on foreign

snuff so imported a duty of one (1) Bombay Rupee per three pounds, and on ganza so imported a duty of eighty-seven (87) Bombay Rupees per Bombay maund.

on Snuff 1 Rupee per 3 pounds, on Ganza Rupees 87 per maund.

*Clause 2nd.*—Besides the duties specified in the preceding clause, the general custom duty of three and a half (3½) per cent. on the value shall also be levied on the articles therein mentioned, according to the ordinary rules with reference to that duty.

Exclusive of 3½ per cent. on the Value.

## CHAPTER VI.

RULES UNDER WHICH TOBACCO AND SNUFF, NOT BEING OF BRITISH MANUFACTURE, AND GANZA, WHICH HAVE BEEN IMPORTED INTO THE ISLAND OF BOMBAY, SHALL BE DEPOSITED IN AND DELIVERED OUT OF THE CUSTOM HOUSE WAREHOUSE, AND FOR SALE OF THE SAID ARTICLES AT THE PRESIDENCY.

SECTION XX.—*Clause 1st.*—When any tobacco, or foreign snuff, or ganza is brought to be deposited in the custom house warehouse according to the preceding provisions, it shall be weighed by the custom house officers, and an account shall be entered on the records of the quantity and the date of importation, and the name of the importer, and also of the customs due on it.

Account to be taken of Tobacco, Snuff, and Ganza in deposit.

*Clause 2nd.*—The articles thus warehoused shall not be delivered out of the warehouse for any purposes, except home consumption, according to the provisions of Section XXII., or exportation according to the provisions of Chapter VII., and previous to such delivery the duty shall be paid.

Not to be delivered out of the Warehouse, except for Consumption or Exportation.

*Clause 3rd.*—But if the duties shall not have been paid within six months after the articles have been warehoused, the custom master shall sell by public auction (to be held during office hours for business, and the time and place to be advertised in the newspaper commonly used for official notifications a week previous thereto) so much of them as may produce the amount of the said duties.

On non-payment of the Duties, to be sold by Auction.

SECTION XXI.—The articles warehoused according to the provisions of the preceding section shall be always open to the inspection of the owners at office hours, provided such inspection be not desired oftener than once a day.

Inspection.

SECTION XXII.—*Clause 1st.*—Foreign snuff or ganza required for purposes of home consumption by retail shall be delivered only to licensed retailers of the respective articles; tobacco required for the said purposes may be delivered either to licensed retailers or wholesale dealers, who may receive it for the supply of retailers, in all cases a permit must be produced according to the provisions of the succeeding clause from the Collector of Land Revenue at Bombay; and further, a similar permit must also be obtained from the collector whenever tobacco is transferred by a wholesale dealer to a retailer.

Tobacco, &c. how to be delivered for Home Consumption to a Dealer.

*Clause 2nd.*—The said permit shall specify the name of the owner, and the quantity to be delivered, and the name of the retailer or wholesale dealer to whom it is to be delivered: the quantity of tobacco to be passed on permit to a wholesale dealer is unlimited, but to a retailer the quantity to be passed on each permit shall not exceed ten (10) maunds of tobacco, ten (10) pounds of snuff, or one (1) maund of ganza, and the permit shall be in force only during office hours on the day of its date.

On his producing a Permit from the Collector of Land Revenue at Bombay.

SECTION XXIII.—No one under the penalties specified in Section XXXVI. shall sell tobacco, or foreign snuff, or ganza, in the island of Bombay, or Old Woman's Island, or Colaba, without a licence from the Court of Petty Sessions, according to the form in Appendix B, except, in case of tobacco, the sale be made by a wholesale dealer to a retailer.

Licence from the Petty Sessions for sale of Tobacco, &c. in Bombay.

SECTION XXIV.—Every retailer who shall take out such licence as aforesaid, is hereby required to take out a fresh licence ten days at least before the expiration of the first, and in the same manner such licence shall be renewed from year to year under the penalties in case of failure specified in Section XXXVII.

Renewal of Licence

Board to be affixed, &c.

SECTION XXV.—Every retailer of tobacco, foreign snuff, or ganza, shall, under the penalties in case of failure specified in Section XXXVIII., fix on some conspicuous part of the front of each warehouse, storehouse, shop, godown, or other place in which he, she, or they shall retail such tobacco, foreign snuff, or ganza, a board, on which shall be painted at full length such retailer's name, and immediately after or below such name, the words "*licensed retailer of tobacco, snuff*, or *ganza*."

Return of Warehouses where Tobacco, &c. are deposited, to the Collector of Bombay.

SECTION XXVI.—Every retailer of tobacco, foreign snuff, or ganza, before taking out or renewing such licence as aforesaid, shall, under the penalties in case of failure specified in Section XXXIX. make a true and particular return or entry in writing of all warehouses, storehouses, shops, godowns, or other places whatsoever by him, her, or them respectively used or intended to be used, for the laying, keeping or retailing any of the said tobacco, foreign snuff, or ganza, to the Collector of Bombay; and also of all tobacco, foreign snuff, or ganza, by whatever name or names they are or may be called, which at the time of making such respective entries shall or may be in such warehouses, shops, storehouses, godowns, and other places, and every of them, respectively.

Certificate.

SECTION XXVII.—The collector shall grant a certificate to all persons who shall make the entry above required, specifying the number of warehouses, storehouses, shops, or godowns that have been so entered, without which certificate no licence shall be granted or renewed by the Court of Petty Sessions, and every licence shall specify the number of warehouses, storehouses, shops, godowns, or other places in the aforesaid entry and certificate.

Licence grantable on production of Certificate.

SECTION XXVIII.—The Court of Petty Sessions is hereby authorized and required to grant and renew such licence to all persons applying for the same, on their producing the certificate above required, provided always, that the persons so applying have not been convicted of any breach of this Regulation, and thereby incurred the forfeiture of such licence.

Monthly Return to the Collector.

SECTION XXIX.—Every licensed retailer of tobacco, foreign snuff, and ganza shall under corresponding penalties in case of failure, make, in respect to the article which he is licensed to retail, a monthly return to the collector on the 1st of each month, corresponding with that prescribed by Section XV. to be furnished by licensed dealers in opium.

Limitation to the issue of Permits.

SECTION XXX.—When the stock of any retailer shall at any time appear, by his monthly return or otherwise, to exceed three times the amount of the greatest quantity of tobacco, snuff, or ganza, for which a permit can be granted under the provisions of Section XXII. Clause 2nd, no permit for any further issue is to be made by the collector to such retailer, till his stock shall have been reduced, so as not to exceed double the limits of the permit.

Liberty to enter and examine.

SECTION XXXI.—It shall be lawful for the collector and his officers to enter all places where tobacco, foreign snuff, or ganza is retailed, and to examine and take an account of the article in question found there, in the same manner as is enacted in Section XVI. Clause 2nd, in respect to opium; and the same forfeiture of his licence and confiscation of all the articles licensed to be sold by him, which is found at the place of sale, shall be the penalties attached to any opposition or hindrance on the part of any retailer to the exercise of such lawful authority.

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## CHAPTER VII.

### RULES FOR THE EXPORTATION FROM THE PRESIDENCY OF TOBACCO AND SNUFF, NOT BEING OF BRITISH MANUFACTURE, AND GANZA, AND DRAWBACK ALLOWED ON THE SAME.

Tobacco, &c. exportable from the Public Warehouses on drawback.

SECTION XXXII.—*Clause* 1*st*.—Tobacco, or foreign snuff, or ganza, which has been warehoused according to the provisions of Chapter VI. may delivered from the custom house warehouse for exportation under the Rules contained in the succeeding provisions of the present chapter, and it is hereby explained, that tobacco, which has

passed the custom house for internal consumption and paid duties accordingly, may be exported, provided that a permit be obtained similar to that prescribed in Section XXII. Clause 1st, and provided also that the rules contained in Section XXXIII. for the notification and superintendance of exportations be followed, but such tobacco shall not be entitled to drawback.

Tobacco exportable from Private Warehouses without drawback.

*Clause* 2*nd.*—Tobacco, foreign snuff, and ganza, delivered for export from the custom house warehouse and exported to a place at least (20) twenty leagues distant from any part of the island of Bombay, shall be allowed a drawback equal to the amount of the duty levied on the respective article by virtue of Section XIX. Clause 1st, but such drawback shall not be paid, until the export certificate is re-delivered to the Collector of Customs of Bombay, bearing an endorsement, which shall set forth the actual landing of the article at the place to which it was to be exported, and further, the drawback shall be granted only on the quantity of the article certified in the said endorsement to have been so landed, and all claim to drawback shall be forfeited, if the export certificate endorsed as above prescribed be not re-delivered within the periods hereinafter respectively specified, reckoning from the date of export, viz:—

Drawback on exportation from the Public Warehouses to the distance of twenty Leagues.

On Certificate of the same.

With the prescribed Period.

| | | |
|---|---|---|
| In exportation to Bengal | ..... | A hundred and Twenty (120) days. |
| ,, ,, | Madras..... | Ninety (90) ,, |
| ,, ,, | Malabar and Canara, Katywar, Kutch and Sind..... | Sixty (60) ,, |
| ,, ,, | Surat and Guzerat ..... | Forty-two (42) ,, |

*Clause* 3*rd.*—Tobacco delivered for export from the custom house warehouse and exported by sea or land to any part of the British territories distant not more than twenty (20) leagues from the island of Bombay, shall be allowed a drawback equal to the sum in which the duty specified in Section XIX. Clause 1st, exceeds the duty leviable at the respective place, but such drawback shall be demandable only on re-delivery to the collector of sea or land customs, as the case may be, within twenty (20) days after the exportation was made, of the export certificate or permit bearing an endorsement as prescribed in the preceding clause, by the proper officer in the department of sea or land customs at the place to which the articles were to be conveyed, and shall then be granted only on the quantity certified to have arrived at the said place, where such permit or export certificate shall operate as an exemption from the payment of duty in favor of the tobacco imported under it.

Drawback on exportation of Tobacco from the Public Warehouse to the British Territories within 20 Leagues distance under similar Rules.

SECTION XXXIII.—*Clause* 1*st.*—When an exportation by sea is intended to be made, the proprietor shall give notice thereof in writing to the collector of sea customs, specifying the quantity and the person to whom the article is to be delivered, and the place to which it is to be conveyed; whereupon the said officer shall weigh and deliver accordingly the article required, and furnish the person to whom delivered, with a certificate of permission specifying the above recited particulars.

Notice of exportations by Sea to be given to the Collector of Sea Customs.

*Clause* 2*nd.*—Immediately on delivery the article shall under the penalties specified in Section XXXIV. Clause 4th, be conveyed on board the vessel in which it is to be exported in presence of a custom house officer.

And Shipment to be superintended.

*Clause* 3*rd.*—When it is intended to export tobacco by land, the written notice shall be made by the applicant to the collector of land customs, who will countersign it and despatch it by an officer of his department together with the applicant to the collector of sea customs, whereupon the collector of sea customs shall deliver the article to the owner taking his receipt; the notice of export shall be returned to the collector of land customs, who will then issue the requisite permit, and will place an officer of his department in the superintendence of the article, which shall forthwith, under the penalties specified in Section XXXIV. Clause 4th, be conveyed to the Salsette end of the Sion Causeway, from whence the officer shall return.

Exportations of Tobacco by Land to be similarly notified and superintended.

## CHAPTER VIII.

PENALTIES FOR SMUGGLING TOBACCO OR SNUFF, NOT BEING OF BRITISH MANUFACTURE, OR GANZA, AT THE PRESIDENCY OF BOMBAY, AND FOR ABETTING OR CONCEALING THE SAME, AND FOR BREACH OF THE RULES ESTABLISHED FOR THE RETAIL TRADE IN THE SAME, MODE OF ENFORCING THE SAID PENALTIES AND REWARDS TO INFORMERS.

Confiscation of Tobacco, &c. illicitly Imported.

SECTION XXXIV. *Clause* 1*st.*—Tobacco, or foreign snuff, or ganza, brought into the island of Bombay, or Old Woman's Island or Colaba, or at any port except such as is permitted by Section XVII. of this Regulation, shall be confiscated and disposed of as directed in Section XLI. and XLIII. of this Regulation, together with any sort of package in which it may be contaiued.

Including the Vessel, if under 500 candies burthen, having unreported Tobacco, &c. on board.

*Clause* 2*nd.*—If any of the said articles shall be found on board a vessel situated as described in Section XVIII. Clause 1st, without having been reported as therein directed, it shall be confiscated and disposed of under the provisions of Section XLI. and XLIII. together with any sort of package in which it may be contained, and also the vessel in which it may be found.

Penalty for not conveying them to the Warehouse on landing.

*Clause* 3*rd.*—If any of the said articles shall not be conveyed to the warehouse on landing, as directed in Clause 3rd of Section XVIII., it also shall be confiscated with its packages as above said.

Confiscation of Tobacco, &c. illicitly shipped or relanded.

*Clause* 4*th.*—If any of the said articles, after being taken from the warehouse for exportation, as directed in Section XXXII. shall, if intended for conveyance by sea, not be shipped as therein directed (danger of seas and enemies excepted) or having been shipped shall be relanded in a manner not conformable to the Rules for importation (except to save the goods from perishing by stress of weather,) and if tobacco received from the warehouse for exportation by land shall, without written leave from the collector of land customs, remain on the island for more than two days after the collector's permit has been issued, the said respective article shall be confiscated as above said, together with its packages, and any animals, or carriages, or vessels in use, in conveying, or containing it at the time of seizure.

Or remaining on the Island.

Confiscation of Tobacco, &c. found for sale or in considerable quantities without the requisite Authority.

*Clause* 5*th.*—And further, if any of the said articles be found in the possession of any hawker, intinerant vendor, or other unlicensed retailer for the purpose of sale, or in any of the streets, roads, or other places of the islands of Bombay, Colaba, or Old Woman's Island, without a permit as prescribed in Section XXII. Clause 1st, (small quantities for personal consumption not being herein contemplated) and not proceeding to be warehoused or shipped in accordance with the provisions of Section XVIII. Clause 3rd, and Section XXXIII. respectively, it shall be liable to confiscation, together with its packages, and any animal or vessels in use in conveying or containing it at the time of seizure.

Penalty for concealing Tobacco, &c. liable to Confiscation.

SECTION XXXV.—*Clause* 1*st.*—If any person or persons shall be convicted in the mode described in Section XLII. of having knowingly kept or concealed, or of having permitted to be kept or concealed, any tobacco, or foreign snuff, or ganza, liable to confiscation under the rules of the three first clauses of the preceding section, whether or not he, or she, or they have any property or interest therein, he, or she, or they shall forfeit triple the value thereof, to be levied as enacted in the said Section XLII.

Penalty for abetting the retaining on Shore or relanding of Tobacco, &c.

*Clause* 2*nd.*— If any person or persons shall be convicted in the mode prescribed in Section XLII. of having assisted or concealed the retaining on shore or relanding of tobacco, foreign snuff, or ganza liable to confiscation under Clause 4th, of the preceding section, whether or not he, or she, or they have any property or interest therein, he, or she, or they shall forfeit triple the amount the drawback allowed thereon, to be levied as prescribed in Section XLII.

Penalty for selling Tobacco, &c. without Licence.

SECTION XXXVI.—If any person or persons shall sell, or offer for sale, any tobacco, or foreign snuff, or ganza, in the island of Bombay, or Old Woman's Island,

or Colaba, without being a licensed retailer under the provisions of Section XXIII. of this Regulation, the said article shall be confiscated as above said, and the said person or persons shall each forfeit triple its value on conviction, in the mode described in Section XLII.

Penalty for not renewing Licence.

SECTION XXXVII.—Every retailer of tobacco, foreign snuff, or ganza, failing to renew his licence as prescribed in Section XXIV. shall, if he be found to continue such retail trade, be dealt with as an unlicensed retailer.

Penalty for not affixing Board, &c.

SECTION XXXVIII.—Every retailer of tobacco, or foreign snuff, or ganza, who shall fail to distinguish his place of sale as prescribed in Section XXV. shall forfeit his licence, and shall be dealt with as an unlicensed retailer.

Penalty to fraudulent Return.

SECTION XXXIX.—Every retailer of tobacco, foreign snuff, or ganza, who shall be convicted of falsehood and fraud in making the return specified in Section XXVI. shall forfeit the sum of 200 Rupees for every such warehouse, shop, or other place of sale, as specified in the above cited section, by such retailer used, and double the amount of the duty for such tobacco, foreign snuff, or ganza, respectively, as may be concealed and not entered as therein directed, together with all such tobacco, foreign snuff, and ganza, which shall be found therein, and all casks, boxes, and packages containing the same.

Seizure of tobacco, &c. liable to confiscation by Custom Officers and others.

SECTION XL.—*Clause* 1*st.*—Any officer (either European or Native) of the Bombay Custom House, or employed in the collection of land revenue at Bombay, or in the police, shall on finding any tobacco, or foreign snuff, or ganza which is liable to confiscation under any of the provisions contained in Sections XXXIV. XXXV. and XXXVI. seize the same and convey it to the custom house warehouse, with any other articles liable to seizure under the above cited provisions, there to remain in charge of the collector of sea customs, until it be either redeemed or confiscated by the process in the sequel.

Search Warrant for Tobacco, in information.

*Clause* 2*nd.*—If any credible person shall give information on oath to the collector of sea customs, that any tobacco, or foreign snuff, or ganza, liable to confiscation under any of the provisions contained in Section XXXIV. XXXV. and XXXVI. is to be found in any building or place in the island of Bombay, or Old Woman's Island, or Colaba, or in any vessel in the harbour or waters thereof, the said collector of sea customs shall issue a warrant under his hand and seal to a constable or other public officer, commanding him to enter the said building or place, or vessel between sunrise and sunset, and, if necessary, to break open doors, or chests, or any sort of fastening or packages, and to seize the said articles, with any other article which may be liable to seizure under any of the provisions contained in Sections XXXIV. XXXV. and XXXVI. and convey it to the custom house warehouse, there to remain as above said, until either redeemed or confiscated by the process in the sequel.

Provision for the restoration of Article proved to have been unduly seized.

SECTION XLI.—*Clause* 1st.—If any person shall appear as proprietor, or his agent, of the tobacco, or snuff, or ganza seized by virtue of the preceding section within ten days from the seizure, and intimate to the collector of sea customs an intention to prove that it was imported, and had been kept or removed according to the enactments in force, and that all dues has been paid, the said person shall, if he prove the same by suit in the Court of Petty Sessions, to be instituted within twenty (20) days from the seizure, recover the said article, which shall be restored, and also any articles that may have been seized with it.

And Confiscation in default of such Proof.

*Clause* 2*nd.*—But if no such person shall appear within ten (10) days, or having appeared shall not institute the suit within twenty (20) days from the seizure, the articles seized shall be confiscated and disposed of as directed in Section XLIII. Clause 2nd and 3rd, unless the owner (or some one on his behalf) of any article which may have been seized with the said tobacco, or ganza, or foreign snuff, should appear as described in Clause 1st of this section, and make the proof therein described, in which case he shall recover any article that may be proved to be his own property, but the remainder shall continue liable to be confiscated and disposed of as above provided, unless recovered under the preceding rules.

The above Penalties to be enforced by Distress and Sale, and if necessary by Imprisonment.

SECTION XLII.—The forfeitures specified in Sections XXIX. and XXXI. for a breach of the Rules contained in those sections respectively, those incurred by abetting the smuggling of tobacco, or foreign snuff, or ganza, as described in Section XXXV. or by selling any of those articles without a licence as prescribed in Section XXXVI. or under an expired licence as described in Section XXXVII. or by a violation of the rules for retail dealers contained in Sections XXXVIII. and XXXIX. shall be adjudged by the Court of Petty Sessions on proof of the offence adduced by the collector, the pecuniary forfeitures, if not otherwise paid, being levied on warrant from the said court by distress and sale of the offender's property: and in case such distress and sale shall prove ineffectual in producing the realization of the amount of any such pecuniary forfeiture, it shall be lawful for the said Court of Petty Sessions to commit by warrant the offender to the Jail of Bombay, there to remain for such period as the said court in the exercise of its lawful powers may determine: provided, however, that such offender shall at any time be set at liberty upon payment of the forfeiture adjudged against him, together with all reasonable charges.

Confiscated Articles to be sold by Auction.

SECTION XLIII.—*Clause* 1*st.*—Articles confiscated by virtue of any of the Rules contained in Sections XXXVII. XXXVIII. and XXXIX. shall be disposed of for the benefit of Government by public auction, to be conducted at the custom house during office hours, and a week's previous notice thereof, specifying the articles and the time of sale, shall be given by advertisement in the newspaper used for Government Notifications.

The Informer in certain cases receiving half of the Value.

*Clause* 2*nd.*—Articles confiscated by virtue of any of the Rules contained in Sections XXXIV. XXXV. and XXXVI. shall also, with the exception specified in the following clause, be disposed of in the mode specified in the preceding clause, and one half of the price realized shall be paid to the informer, the remainder, or, if there be no informer, the whole being disposed of as the Governor in Council may direct.

Special case of smuggled Tobacco, &c. not selling for the Amount of Duty.

*Clause* 3*rd.*—If tobacco, foreign snuff, or ganza, offered for sale under Clause 2nd of this section, do not produce a price equal to the customs due, it shall not be sold, but shall be burnt or otherwise effectually destroyed on the spot.

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## CHAPTER IX.

### RESTRICTIVE RULES FOR THE RETAIL SALE OF POISONOUS SUBSTANCES WITHIN THE ZILLAS SUBORDINATE TO THE PRESIDENCY OF BOMBAY.

Prohibition on pain of punishment against the vend of Poisonous Substances without a Licence.

SECTION XLIV.—*Clause* 1*st.*—All persons not having a licence from the collector, as hereinafter provided, are prohibited from selling by retail within any of the zillas subordinate to the presidency of Bombay, any of the undermentioned substances on pain of punishment, as specified in Regulation XIV. A. D. 1827, Section XX. Clause 1st:—

*Mineral Poisons.*

Glass of Antimony.
Crocus ,,
Red Arsenic.
White ,,
Yellow ,,
Cobalt.
Burnt Lead.
Red ,,
Sugar of ,,
White ,,
Verdigris.
Vitriol, blue.

*Vegetable Poisons.*

Cocculus Indicus.
Napellus Moysis, or Bichhnak.
Nux Vomica,

Particulars of the Licence.

*Clause 2nd.*—The Collector of each Zilla will grant at his discretion, licences, to be in force for one year, for the retail sale of the substances enumerated in the preceding section: the licence to be granted shall be in the form of Appendix C, previously to its being delivered it shall be registered in the collector's office, and a fee of three (3) rupees shall be paid for the same.

Appendix C.

The duty of Licensed Vendors.

SECTION XLV.—*Clause 1st.*—Every licensed retailer of the poisonous substances enumerated in Clause 1st, shall, with regard to such of them as the magistrate may specify, be careful on the occasion of each sale to ascertain the purpose for which the articles are required, and shall keep a book which shall contain an entry of each sale, specifying the article sold, its price, the date of sale, and the name, caste, and place of abode of purchaser: the book shall be produced whenever called for by the magistrate, and shall be open for inspection to any officer duly authorized by him to examine it.

Punishment for breach of it.

*Clause 2nd.*—A retailer failing to conform to any of the rules laid down in the preceding clause, will, in addition to the penalties assigned to the offence in Regulation XIV. A. D. 1827, Section XX. Clause 2nd, be liable to the forfeiture of his licence, on intimation to that effect by the collector.

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## CHAPTER X.

### RULES REGARDING THE IMPORTATION OF LIQUORS AT BOMBAY, AND DUTIES TO BE LEVIED THEREON.

Spirituous Liquors to be warehoused when landed.

SECTION XLVI.—*Clause 1st.*—All spirituous liquors landed at Bombay shall be placed in the custom house warehouses, or in warehouses under charge of the custom master and importers.

Spirits illicitly imported to be confiscated and sold. How the Proceeds to be disposed of.

*Clause 2nd.*—All spirits attempted to be illicitly imported, will be seized, confiscated, and sold for the benefit of the Company. One moiety of the amount of the sales will be paid to all informers, and the parties offending be sent to the senior magistrate of police, to be punished as the law directs.

Rates of Duty on Spirituous Liquors, and the principles on which they are levied.

SECTION XLVII.—On all brandies, rum, gin, arrack, and all other descriptions of spirituous liquors imported for consumption into the island of Bombay, the established three and a half ($3\frac{1}{2}$) per cent. customs shall be levied, on the following principles, viz:—

From the United Kingdom on the invoice cost, attested upon oath.

From Madeira the same.

| | | |
|---|---|---|
| From Cape of Good Hope on | 30 | Per cent. advance on the invoice cost so attested. |
| Isle of France | 15 | |
| China | 20 | |
| Batavia | 25 | |
| Manilla | 20 | |
| Penang and Eastern Isles | 15 | |
| Bengal | 15 | |
| Coromandel | 15 | |
| Ceylon | 15 | |
| Arabian Gulf | 15 | |
| Persian Gulf | 15 | |
| Malabar and Canara | 10 | |
| Goa and the Concan | 10 | |
| Bassien to Surat | 10 | |
| Surat to Sind | 10 | |

The custom on spirits imported without invoices shall be levied *ad volorem.*

Town Duty on ditto.

SECTION XLVIII.—In addition to the customs as above specified, the town duty is fixed at half a rupee per gallon on the import of spirits of all descriptions and from all places.

Rate of Duty on the Spirits manufactured on the islands

SECTION XLIX.—*Clause 1st.*—A duty of a quarter of a rupee per gallon to be levied on all spirits manufactured from articles *bonâ fide* the produce of the islands of

of Salsette, Caranja, and Fort Victoria.

Salsette, Caranja, and from Victoria; but all imports of spirits from these territories, manufactured from articles other than the produce thereof, shall be subject to the duty of half a rupee per gallon.

Certificates under which they are to be levied.

*Clause* 2*nd.*—Certificates must be produced from the collectors of these places, that the spirits intended to be imported has been manufactured from articles the growth of those territories, to exempt the said spirits from the payment of the higher rate of duty.

A moiety of Import Duty allowed as a drawback on exportation within a period of two Months from the date of Exportation.

SECTION L.—A moiety alone of the import duty is to be allowed as a drawback on the export of spirituous liquors; and no drawback is to be allowed under any circumstances if the spirit be not re-exported within a period of two months from the date of its import, nor is any drawback of the three and a half per cent. customs allowed on the export of spirituous liquors.

No drawback to be allowed on Spirits which shall be below their Import Strength.

SECTION LI.—No drawback will be allowed on the export of any portion of consignment, the proof of which shall be below its strength at the time of importation, which is to be ascertained by the custom master on the import of the article.

Double Duties to be levied on spirits imported from Europe or America on Foreign Bottoms.

SECTION LII.—Spirituous liquors imported from Europe or America on foreign bottom, shall be subjected to the payment of double the duties fixed by Section XLVII.

To be collected on the actual quantiy imported.

SECTION LIII.—The above levies shall be collected on the actual quantity imported, without any deduction on account of leakage.

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## CHAPTER XI.

### RULES UNDER WHICH SPIRITUOUS LIQUORS ARE ALLOWED TO BE MANUFACTURED AT STATIONS SUBORDINATE TO THE PRESIDENCY OF BOMBAY, AND DUTIES TO BE LEVIED THEREON.

Prohibition of the Manufacture of Spirits except in Sudder Distilleries, by Licence or under a Farmer.

SECTION LIV.—*Clause* 1*st.*—No spirituous liquors shall, under the penalties specified in Section LXVIII., be manufactured in any part of the territories subordinate to the presidency of Bombay, except within the Sudder distilleries specified in Section LVI. or by licence as authorized by Section LVIII. or under control of a farmer, according to the provisions of Section LX.

Including fermented Toddy.

*Clause* 2*nd.*—The term "*spirits*" or "*spirituous liquors*" is to be understood to include toddy in a fermented state, and the term "*manufacture*" includes the process by which the said fermented toddy is procured, whether the fermentation be produced by natural or artificial means.

Toddy to be manufactured by Licence or under Farmer.

*Clause* 3*rd.*—But as there may be practical objections to carrying on the said process, within a Sudder distillery, toddy is exempted from the restrictions in this chapter, and its manufacture in the usual ways is allowed to be carried on by licensed vendors of it according to the provisions of Section LXVI. or by a farmer, as prescribed in Section LX.

Superintendence of the Manufacture of Spirits.

SECTION LV.—The superintendence of the manufacture as above stated, as well as the sale and all matters connected with the use of spirituous liquors at subordinates, shall be conducted by the collector of land revenue in each respective collectorate, unless an officer be specifically appointed for the purpose by the Governor in Council, in which case the functions enacted to be exercised by the said collector shall devolve on the officer so appointed.

Enclosed Sudder Distilleries.

SECTION LVI.—*Clause* 1*st.*—One or more spots of ground at such towns in each collectorate, as the collector under instructions from Government may choose for the purpose, shall be enclosed by a wall or such other fence as the Governor in Council may direct, and they shall be denominated "*Sudder Distilleries.*"

Native Superintendent.

*Clause* 2*nd.*—Each Sudder distillery shall be furnished with a native superintendent, to be denominated "*darogha,*" who shall keep an account of the quantity and strength of the spirits manufactured therein, and shall be responsible that none is removed therefrom, except in conformity to the Rules prescribed.

Materials of Manufacture.

*Clause 3rd.*—It shall be the duty of the collectors to issue instructions for the internal management of Sudder distilleries, particularly with a view to prevent the mixture of noxious drugs, and encourage the use of the best material.

Admissibility to manufacture Spirits therein.

SECTION LVII.—*Clause 1st.*—Any person shall be admitted to manufacture spirits within the Sudder distilleries, but shall not have any claim to be provided with any sort of materials or machine for that purpose.

Raw Mowra admissible with the Collector's Pass to be Warehoused, and removable only with a Pass.

*Clause 2nd.*—Raw Mowra is permitted to be brought to any place for the purpose of being manufactured in a Sudder distillery, provided it be furnished with a pass from the collector; but it shall be kept in a warehouse, of which the collector and the owner shall each have a key, until required for use, and shall then not be removed without a pass from the collector.

Spirits removable from Sudder Distillery only for Private Consumption or Retail Sale.

Strength to be 25 per cent. below London Proof.

*Clause 3rd.*—No spirituous liquors shall be removed from a Sudder distillery, except for private consumption or retail sale, according to the provisions of Section LXIII., and it shall be reduced to a strength not exceeding 25 per cent. below London proof previously to being removed.

Duties to be previously paid.

*Clause 4th.*—No spirits shall be removed previously to payment of the prescribed duty.

Such Duties not to exceed those now levied.

*Clause 5th.*—The rate of duty, per Surat maund, weighing fourteen hundred and eight Surat rupees, to be levied on the spirits manufactured in the Sudder distilleries, shall be annually fixed by the collector with the approbation of Government, and shall not exceed the rate now levied.

Licences to distil Spirits at places above six Miles from Sudder Distillery granted at discretion of the Collector.

SECTION LVIII.—*Clause 1st.*—At places situated at a greater distance than six miles from a Sudder distillery, the manufacture of Spirits may be conducted by licence from the collector, to be granted at the discretion of that officer, under the following Rules.

If for Manufacturer's Consumption, Licence to be in form of Appendix D.

Duty to be previously paid.

*Clause 2nd.*—If the spirits be intended for the consumption of the manufacturer, the licence shall specify, as in the Form of Appendix D, the time of manufacture and the quantity to be manufactured, and the duty to be levied, which duty shall be fixed as prescribed in Section LVII. Clause 5th, and shall be paid previously to issuing the licence.

If for Retail Sale the Licence for both purposes will be combined.

*Clause 3rd.*—If the spirit be intended for sale (which is allowed only by retail according to the provision of the following chapter) the permission to manufacture will be included in the licence for sale, as prescribed in Section LXII.

Office of Abkary Darogha.

SECTION LIX.—*Clause 1st.*—At the places contemplated in the preceding section, a native officer may be appointed under the denomination of Abkary Darogha, to superintend the manufacture and sale of spirit under the collector's control, and the limits of the district in which he is to act shall be fixed by the collector, subject to the approval of the Governor in Council.

Who may hold at the same time any other Revenue Office.

*Clause 2nd.*—The said officer of Abkary Darogha may be united with any other revenue officer in the same person, when the quantity of business will admit of the duties being properly performed.

Farming of Abkary Duties in remote Districts.

SECTION LX—*Clause 1st.*—In remote purgunnas or publicly known divisions of a collectorate, situated beyond reach of a Sudder distillery, and so circumstanced that the Rules for licencing manufacture, as well as sale of spirits are difficult to be applied so as to effect their purposes, collectors are authorized to let the duties on the said manufacture and sale to farm, for a period not exceeding one year.

Tenders.

*Clause 2nd.*—In such cases advertisements for tenders shall be published by the collectors, which shall specify the conditions of taking the farm, and the highest offers accompanied by good security shall be accepted.

Authority to be possessed by the Farmer.

*Clause 3rd.*—The farmer shall be competent to make any arrangement for collecting duties on the said manufacture and sale, that he may consider most productive,

provided personal liberty and property be not interfered with, otherwise than by the penalties enacted in Chapter XIII. of this Regulation: the amount of duties is to be wholly at the farmer's discretion, provided that they do not exceed those at present levied, and also the disposal of fines and confiscated articles and rewards to informers, and the choice of individuals who are allowed to manufacture or sell liquor.

But Farmers may be constituted under other Rules.

*Clause 4th.*—It is to be distinctly understood, that nothing contained in the preceding clause of this section is meant to prevent a collector from granting in farm the Abkaree duties in other parts of the collectorate beside those specified in Clause 1st of this section, and under the stricter system of control which would in such case be applicable.

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## CHAPTER XII.

### RULES UNDER WHICH SPIRITUOUS LIQUORS OF COUNTRY MANUFACTURE ARE ALLOWED TO BE SOLD AT STATIONS SUBORDINATE TO THE PRESIDENCY OF BOMBAY, AND DUTY TO BE LEVIED THEREON.

Country Spirits not to be sold in the Zillas.

SECTION LXI.—*Clause* 1*st.*—No spirituous liquors of any such sort as is manufactured in the territories subordinate to the Presidency of Bombay (in which toddy is included by the 2nd Clause of Section LIV.) shall, under the penalties specified in Section LXVIII. be sold in the said territories, except under the following circumstances:—

Except they be prepared at Sudder Distilleries.

*First.*—Liquors manufactured in the Sudder distilleries, mentioned in Section LVI. which may be retailed under the provision of Section LXIII.

Or elsewhere under Licence.

*Second.*—Liquor manufactured at a distance from Sudder distilleries, by virtue of Section LVIII. which may be retailed under the provisions of Section LXIV.

Or imported under Licence.

*Third.*—Liquor imported into places at a distance from Sudder distilleries, as described in Section LVIII. which may under the provisions of Section LXV. be retailed by licensed retail dealers.

Exception respecting Toddy.

*Fourth.*—Toddy which, wherever manufactured, may be retailed under the provisions of Section LXVI.

And Liquor prepared and sold under a Farm.

*Fifth.*—Liquor manufactured or imported under the control of a farmer by virtue of Section LX. which is free from any restrictions, except such as he may impose in conformity to the provisions of the said section.

Licences for Retail Sale.

SECTION LXII.—*Clause* 1*st.*—Licences for retail sale shall be issued by the collector; each licence shall be for one official year, or, if not taken out at the commencement, for such part of it as may remain unexpired.

Securities or Deposit.

*Clause* 2*nd.*—And the security of two responsible persons shall be furnished for due performance of the conditions of the licence, unless in lieu thereof, the vendor make a deposit in cash equal to the amount of periodical duty payable for one month.

Period in which a Licence may be cancelled for non-payment of Duties.

*Clause* 3*rd.*—If a vendor fail to pay the periodical duty for fifteen (15) days after it becomes due, the licence shall be cancelled, unless the collector is satisfied that the failure did not proceed from design to defraud the public revenue, in which case he is authorized to postpone the annulment of the licence for fifteen (15) days more.

Provision for the surrender of Licences.

*Clause 4th.*—And a vendor may surrender his licence on paying a sum equal to the duty leviable for one month in advance.

Licences for Retail Sale at Sudder Distilleries.
Appendix E.

SECTION LXIII.—*Clause* 1*st.*—Licences for the retail sale of spirits manufactured at a Sudder distillery, shall be issued in the form of Appendix E, and under the conditions therein expressed: the amount of duty shall be determined by the quantity of spirits agreed to be received each day, and shall be paid daily by the vendors.

Duty to be paid daily.

Pass for Liquor removed, and Certificate thereon. Appendix F.

*Clause 2nd.*—Liquor shall not be removed from the Sudder distillery without a pass from the collector to be renewed monthly in the form of Appendix F: and the Darogha shall certify on the back of the pass at each delivery of spirits their quantity and the hour at which delivered, and the liquor shall be carried forthwith to the place of sale.

Pass for extra supplies of Liquor. Appendix G.

*Clause 3rd.*—Holders of the licences adverted to in this section may receive from the Sudder distillery extra supplies of spirits besides the quantity specified in the licences, on being furnished with a pass in the form of Appendix G, and previously paying the duty thereon.

Registers of Passes.

*Clause 4th.*—Collectors shall keep Registers of the above said passes, and they shall be returned by the vendors when the period for which they were issued has expired.

Provisions for the Jurisdiction of Superintendents of Military Bazars.

*Clause 5th.*—In cases where the liquor is intended for sale at a military cantonment to which the provisions of Chapter IX. Regulation XXII. A. D. 1827 are applicable, the licences mentioned in Clause 1st of the section shall be issued by the superintendent of bazars, instead of the collector, and such other deviations from this Regulation as shall result from a strict attention to those provisions are hereby sanctioned and prescribed.

Licences for Manufacture and Sale at other places. Appendix H and I.

SECTION LXIV.—*Clause 1st.*—Persons desirous of taking out licences for manufacture and sale of spirits at a distance from Sudder distilleries, by virtue of Section LVIII., shall state in their application whether the manufacture and sale are to be conducted at the same place, or at different places, and the licences shall be in the form of Appendix H or I, respectively, and under the conditions therein specified.

Written Agreements.

*Clause 2nd.*—Written agreements shall be made by such vendors, binding themselves in such penalty as may be agreed upon to fulfil the same conditions.

A Licence required for each Still.

*Clause 3rd.*—Each licence shall authorize only one still; but it is not intended to prohibit an individual from using any number of stills on separate licences.

Periodical payment of Duties.

*Clause 4th.*—The duties shall be fixed in the mode prescribed in Section LVII. Clause 5th, according to the best information obtainable by the collector of the quantity of spirits which each still probably produces, and shall be paid periodically at the expiration of every ten or fifteen days, or month, as the collector may consider expedient.

Prohibition of importation of Spirits within Six Miles of a Sudder Distillery.

SECTION LXV.—*Clause 1st.*—The importation of spirits as described in the first clause of Section LXI. within six (6) miles of a Sudder distillery, or of any town where is a Sudder distillery, is expressly prohibited, nor shall any one sell such imported spirits at places to which the said prohibition does not extend, unless he be a licensed vendor under the provisions of Section LXII.

Licence for retailing imported Spirits. Appendix J.

*Clause 2nd.*—When such licensed vendor is desirous of retailing such imported spirits, he must be furnished by the collector with a licence according to the form of Appendix J, which shall continue in force for a period of three months; after which, if any of the spirits remain on hand, they shall either be given up to the collector to be destroyed, or a fresh licence for sale of the remainder shall be taken out.

Duties thereon.

*Clause 3rd.*—Duties as prescribed in Section LVII. Clause 5th shall be paid on the quantity specified in the licence, and if a fresh licence for sale of any remaining quantity be taken out, the duties on that quantity are to be levied as if it were an original licence.

Toddy to be sold on Licence. Appendix K.

SECTION LXVI.—*Clause 1st.*—Toddy may be sold by retail by vendors furnished with licences from the collector in the form of Appendix K, under the conditions therein specified.

Duties thereon.

*Clause 2nd.*—Duties shall be paid periodically at such intervals as the collector may consider expedient, and the amount to be fixed as prescribed in Section LVII. Clause 5th shall be regulated by a computation of the quantity made, from the best information which the collector and vendor can procure.

## CHAPTER XIII.

### PENALTIES FOR BREACH OF THE RULES CONTAINED IN CHAPTERS XI. AND XII., MODE OF ENFORCING THEM, AND REWARDS TO INFORMERS.

Enforcement of prohibitions by the Collector.

SECTION LXVII.—*Clause* 1*st*.—All investigations, which it may be necessary to institute respecting offences against the prohibitions specified in Chapters XI. and XII. of this Regulation, shall be conducted by the collectors of the land revenue, and it shall be competent to any revenue officer to apprehend persons detected in committing the said offences, and to seize unlicensed stills and smuggled liquor, and materials or machines for making it.

Suspected Persons may be apprehended.

*Clause* 2*nd*.—Whenever any charge may be preferred or information lodged against any person for infringement of any of the said prohibitions, or whenever reasonable ground of suspicion shall incidentally appear that the same has been committed, it shall be competent to the collector to cause the person charged with or suspected of the said offence to be apprehended, in order that a regular inquiry may be made into the merits of the case.

And the Investigation shall be conducted without delay.

*Clause* 3*rd*.—Investigation under this section shall be commenced immediately on the arrival of the party accused or suspected, at the kutchery of the collector, and shall be prosecuted with least possible delay.

Issue of Search Warrants for discovery of Smuggling.

*Clause* 4*th*.—To aid the detection of illicit manufacture and sale of spirituous liquors, the collector shall be competent to issue search warrants for the discovery of unlicensed stills or smuggled liquor.

On strong grounds of Suspicion.

*Clause* 5*th*.—The search warrants mentioned in the last preceding clause shall be issued only when the collector shall have strong grounds to believe, either from charges specially preferred or from his own personal knowledge, that spirituous liquors are illicitly manufactured, sold, or deposited on the premises proposed to be searched.

Mode of their Execution.

*Clause* 6*th*.—Search warrants shall be addressed to some officer on the fixed establishment of the collector, and shall only be executed in the day time, that is, between sunrise and sunset, and if possible in the presence of two or more respectable inhabitants of the place in which the house or place proposed to be searched may be situated.

Restriction.

*Clause* 7*th*.—It shall be the duty of the magistrate, and all other police officers and servants, to support the officers of the collector in the discharge of the duty which may be delegated to them under this section, provided, however, that nothing contained in these rules shall be construed to authorize any of the said individuals to enter the zenana or apartments of the women, in houses belonging to persons of those classes whose women do not ordinarily appear in public.

Fine not exceeding Rs. 500 commutable to Imprisonment not exceeding six Months in the Civil Jail for Breaches of Regulation.

SECTION LXVIII.—*Clause* 1*st*.—Any person convicted before the collector of the offence of manufacturing spirits contrary to the provisions of Section LIV., or importing Mowra contrary to the provisions of Section LVII., or removing spirits from a Sudder distillery contrary to the provisions of the said section, or of selling spirits contrary to the provisions of Section LXI., or of importing or selling spirits in violation of the provisions of Section LXV., shall be adjudged by the collector to pay such fine as on due consideration of the circumstances of the case may be deemed proper, not exceeding five hundred (500) Rupees; to be commuted in default of payment to a period of imprisonment not exceeding six months in the Civil Jail, which shall be enforced by the Judge, on application by the collector, who will also furnish the subsistence money required by the regulations.

Proprietors and Managers of Land conniving at illicit Manufacture and Sale of Spirits prosecutable before the Criminal Judge by the Collec-

SECTION LXIX.—There being reason to believe that proprietors, farmers, and managers of land, both paying revenue to Government, and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture or vend of spirituous liquors, it is hereby enacted, that on all occasions of such nature it shall be the duty of the collector to prosecute persons so offending before the

criminal court of the zillah, provided the sanction of Government be previously obtained, but not otherwise; and if it shall be proved to the satisfaction of the court, that any proprietor, farmer, Tehsildar, Gomastha, or other manager of land shall have authorized or connived at the illicit establishment of a shop for the manufacture or sale of spirituous liquors or toddy, the said court shall adjudge the offender to pay such a fine to Government, commutable to such a period of imprisonment, as it may deem proportionable to the offence, due consideration being had to the situation in life, and to the pecuniary circumstances of the said offender.

tor with Sanction of Government.

Punishable by Fine or Imprisonment.

SECTION LXX.—If any illicitly manufactured or imported liquor, or materials for making it, or unlicensed still, be seized, they shall be forthwith confiscated and effectually destroyed.

Confiscation of Illicit Liquor Stills, &c.

SECTION LXXI.—*Clause 1st.*—Persons proceeded against by virtue of the provisions contained in this chapter, who shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subjected by the inquiry, shall be paid to them by the collector on the part of Government: should it further appear, on investigation, that the inquiry originated in malice, or in motives clearly vexatious, and unwarranted on the side of the informant, it shall be competent to the collector, unless such party should prefer seeking redress by action for damages in a Civil Court, to compel such informant to pay to the party aggrieved such moderate fine, not exceeding however in any case twenty (20) rupees, as may appear reasonable, or to cause him to be confined in the criminal jail for a period not exceeding fifteen (15) days: orders passed under this Rule shall be enforced by the criminal Judge on his receiving the offender with a certificate from the collector, stating his name, the offence proved, and the sentence passed.

Provision for the Release and reimbursement of Persons unduly charged.

And for fining or imprisoning malicious Informants.

*Clause 2nd.*—Persons deeming themselves aggrieved by any investigation instituted under this chapter, or by the judgment passed by the collector, or in any other respect, shall be at liberty (unless they should in preference institute a suit for damages in the Civil Court) to make their complaint to Government, either through the medium of the collectors themselves, or by means of Vakeels; and the Governor in Council, after calling for such information as he may require from the collector, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to him most conformable to the principles of substantial justice.

Persons feeling aggrieved may appeal to Government, or institute a Civil Suit.

SECTION LXXII.—*Clause 1st.*—A moiety of any fines which may be levied under the provisions contained in this chapter shall be paid to the person, or divided at the discretion of the collector, among the persons through whose means the illicit proceeding may have been detected.

Distribution of the Fines.

*Clause 2nd.*—In cases in which an offender may be unable to pay the fine which has been adjudged, a reward of ten (10) rupees shall be paid on the part of Government to the informant or informants in lieu of his or their share of the above mentioned fine, but this donation shall not be made in cases where the information concerns one who is a farmer of the duties by virtue of Section LX.

Rewards in cases of inability to pay Fine.

SECTION LXXIII.—When there may be a farmer by virtue of Section LX. the authority conferred by this chapter shall be exercised by the collector, on information being given by the farmer, but not otherwise, such prohibitions as the farmer may institute consistently with the said section being held as substituted for those specifically enacted.

The above provisions to be executed by the Collector on information by the Farmer.

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## APPENDIX A.

(See Section XI. Clause 1st.)

*Form of Licence to keep and retail Opium.*

Whereas by the authority of the Governor in Council I, A. B., Collector of ——— authorize C. D. ——— to keep and retail opium at his shop, situated (here describe

the situation) in the (village, town or city) of —— in the purgunnah of —— in this collectorship, from the date hereof to the ensuing Dewallee, being a term of ——; it is required of the said C. D., as a condition of his licence remaining in force, that he duly and faithfully perform the following articles:—

1st.—That he be in no ways concerned in the smuggling of opium, nor in the harbouring or concealing smuggled opium.

2nd.—That he keep or sell opium at (here describe the situation of the shop) only under this licence.

3rd.—That he keep a board fixed up at his shop with an inscription, specifying that opium is sold there.

4th.—That he make every month a return of his sale, as prescribed in Section XV. Clause 1st, Regulation XXI. A. D. 1827.

5th.—That he keep the book described in Section XVI. Regulation XXI. A. D. 1827, and offer no obstruction to the inspection thereof, and to the search of his shop by the collector or any person furnished with his order for the purpose.

Upon the due performance of the above specified conditions this licence will remain in force during the term above specified, but C. D is further informed that he must not, without permission duly granted, as specified in Section XIII. Regulation XXI. A. D. 1827, sell more than a quarter of a Surat seer of opium to the same person within three successive days, or he will be liable to a fine of twenty (20) rupees per Surat seer of the quantity so sold in excess, as provided in the said section, and that any violation of this rule, or of the orders of the collector, will prevent his obtaining a renewal of his licence.

(Signed) A. B., Collector.

*Office of the Collector of*
*day of* 18

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## APPENDIX B.

(See Section XXIII.)

*Form of Licence to keep and retail Tobacco, or Snuff, or Ganza.*

Whereas —— has applied to us for a licence to sell tobacco (snuff or ganza), and has produced a certificate from the collector to the effect stated in Section XXVII. of Regulation XXI. A. D. 1827, we have accordingly granted —— the same, on condition that —— duly and faithfully perform, and abide by the conditions hereunder written.

1st.—That the place (*or* places) at which —— authorized to keep a shop for the retail of tobacco, (snuff *or* ganza) is (*or* are) the following, viz:—

2nd.—That —— not to open a shop for the retail of tobacco, (snuff *or* ganza) at any other than the place (*or* places) above stated.

3rd.—That —— will not open —— shop before sunrise, nor keep it open after 9 P. M., and that —— will not harbour any person in it during the night.

4th.—That —— will cause a board to be exposed to public view outside the said —— bearing the following inscription:—

"*Licensed Retailer of Tobacco (Snuff or Ganza").*

Upon any breach of the above conditions, or of any of the enactments of Chapters V. VI. VII. and VIII. Regulation XXI. A. D. 1827, this licence shall be held to be forfeited.

Given under our hands and seals, this —— day of —— 18 . This licence will continue in force until —— the —— day of —— next, and no longer.

## APPENDIX C.

(See Section XLIV. Clause 2nd.)

*Form of Licence to retail Poisonous Substances.*

I, A. B., Collector of ——, hereby licence C. D., by caste ——, inhabitant of ——, to sell by retail within the village (town or district) of —— for one year from the date hereof, the poisonous substances specified in Chapter IX. Regulation XXI. A. D. 1827. The said C. D. will strictly conform to the rules contained in Regulation XXI. A. D. 1827, Section XLV. on failure whereof, and on intimation to that effect by the collector, this licence shall be held to be forfeited and annulled.

(Signed) A. B., Collector.

*Collector's Office,*
*——— day of* —— 18—.

## APPENDIX D.

(See Section LVIII. Clause 2nd.)

*Form of Licence for the Manufacture of Spirits for private consumption, beyond the Limits of Sudder Distilleries.*

Whereas by the authority of the Governor in Council I, A. B. Collector of ———, hereby authorize C. D. to manufacture on the ——— day of ——— next and ——— ensuing days at (here mention the place), ——— gallons of ——— for his private consumption, the duty thereon, amounting to rupees ———, having been paid: the said C. D. is hereby informed, that unless the particulars herein mentioned are adhered to, and such other orders as the collector of —— or any person duly authorized by him may have communicated, or shall communicate to C. D. previously to the completion of the above specified term, are obeyed, this licence is void and of no effect.

Registered No. —— of ——

(Signed) A. B., Collector.

*Office of the Collector of ———*
*——— day of*

## APPENDIX E.

(See Section LXIII. Clause 1st.)

*Form of Licence for Retail Sale of Spirits manufactured within a Sudder Distillery.*

I, A. B., Collector of ——, do hereby, under the following conditions, authorize C. D. to open a shop for the retail of spirits at ———

1*st.*—All spirits sold at the said shop shall be manufactured within the Sudder Distillery at ———

2*nd.*—The said C. D. shall pay to Government a daily tax of ———, and shall be entitled to pass from the Sudder Distillery ——— maunds of Spirits per diem during the year A. D. 18 .

3*rd.*—The said C. D. shall be entitled to pass from the Sudder Distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of ——— per maund.

4*th.*—A regular pass shall be granted by the collector on the first day of every month, to the said C. D., to enable him to pass the prescribed quantity of spirits from the distillery.

5*th.*—Extra passes shall be granted to C. D. on application, the duty being previously paid.

6*th.*—Any attempts to vend spirits manufactured at any other place than the Sudder Distillery above described, or to remove spirits from the Sudder Distillery without a pass, or without payment of the established duty, will subject the said C. D. to the forfeiture of this licence, and to the penalties prescribed by Regulation XXI. A. D. 1827, to be inflicted on unlicensed vendors.

7*th.*—The said C. D. further engages strictly to attend to such directions as the Magistrate may issue to him, as to the time at which his shop is to be shut, the quantity of liquor which he shall furnish to persons, the conduct of those who frequent the shop, and generally on points connected with the discouragement of vice and crime: any failure in this particular will subject him to forfeiture of his licence.

Given under my hand and seal, this ——day of ——18 .

(Signed) A. B., Collector.

Registered No —— of——

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## APPENDIX F.

(See Section LXIII. Clause 2nd.)

*Form of Pass for removing Liquor from a Sudder Distillery.*

Nahan Poora Shop. Nowrojee Byramjee.

Pass —— maunds of Spirits per diem from 1st to 31st of —— 18 .

(Signed) A. B., Collector.

Shop No. —— Pass No. ——

To be signed by the head officer of the Abkary Mehaul. On the back of this pass the Darogha of the Sudder Distillery shall each day attest the issue of the quantity of spirits specified, and the hour at which it is removed.

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## APPENDIX G.

(See Section LXIII. Clause 3rd.)

*Form of Pass for removing extra quantities of Liquor from a Sudder Distillery.*

Extra Pass No. ——

Nahan Poora Shop. Nowrojee Byramjee.

Received rupees —— No. ——

Pass —— maunds of Spirits this day, the —— of —— 18 .

(Signed) A. B., Collector.

L. S.

To be signed or sealed by the head officer of the Abkary Department.

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## APPENDIX H.

(See Section LXIV. Clause 1st.)

*Form of Licence for the Manufacture and Sale of Spirits at one and the same place, being Six Miles distant from any Sudder Distillery.*

Whereas by the authority of the Governor in Council of Bombay, I, A, B., Collector of ——, authorize C. D. to work a still, and keep a shop for the manufacture and

sale of spirituous liquors at ———, in the purgunnah ———, during the year ———, A. D. ——. It is required of the said C. D., as a condition of this licence remaining in force, that he duly and faithfully perform and abide by the following Articles: —

1st.—That he pay to Government a daily tax of ——— Surat rupees.

2nd.—That he use only one still, and that such still shall not contain more than one hundred and ninety-two (192) seers of water, each seer weighing thirty-seven (37) Surat rupees.

3rd.—That he confine the vend of the produce of his still to one shop.

4th.—That he do not harbour robbers, thieves, or riotous persons, but, on the contrary, give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

5th.—That he do not receive wearing apparel, or any goods or property, in barter for liquor.

6th.—That he do not open his shop before sunrise, nor keep it open after sunset, and that he do not harbour any persons in it during the night.

7th.—That he have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country to the following effect: "*Licensed Vendor of Spirits.*"

Upon any breach of the above conditions this licence shall be held to be forfeited.

All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D. on account of the said still and shop, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal, this —— day of —— 18 .

(Signed) A. B., Collector.

*Collector's Office.*

Registered No. ——— of ———

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## APPENDIX I.

(See Section LXIV. Clause 1st.)

*Form of Licence for the Manufacture of Spirits at one place and their Sale at another, both being Six Miles distant from any Sudder Distilleries.*

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., Collector of ———, authorize C. D. to work a still for the manufacture of spirituous liquors at ———, purgunnah ———, and to establish a shop for retailing the produce thereof at ———, for the year A. D. ———. It is required of the said C. D., as a condition of his licence remaining in force, that he duly and faithfully perform and abide by the following Articles:—

1st.—That he pay to Government a daily tax of —— Surat rupees.

2nd.—The he use only one still, to be worked at ———, and that such still shall not contain more than one hundred and ninety-two (192) seers of water, each seer weighing thirty-seven (37) Surat rupees.

3rd.—That he confine the vend of the produce of his still to one shop in the town (or village) of ———, the particular situation of which will be prescribed to him; and that he shall not permit any spirits, which may be manufactured by him, to be sold or disposed of at any other place, without an express licence for that purpose.

*(Article 4th, &c. to the end, as in Appendix H.)*

## APPENDIX J.

(See Section LXV. Clause 2nd.)

*Form of Licence for the Retail of Imported Spirits.*

Whereas, by the authority of the Governor in Council, I, A. B., Collector of ——, authorize C. D., licensed vendor of spirits at ——, to sell within the period of three months from this date at (here specify the place), ——— gallons of ———, imported from ———, the duties on which, being rupees ——, have been paid: the said C. D. is hereby informed that he is required at the end of the above specified period of three months to deliver up to the Collector of —— any portion of the above mentioned quantity of —— gallons of —— which may remain unsold, or take out a fresh licence for the sale thereof, on pain of confiscation of the above mentioned spirits, and of forfeiture of his licence to vend imported spirituous liquors as described in Clause 1st Section LXI. Regulation XXI. A. D. 1827.

Given under my hand and seal this ——— day of —— 18 .

(Signed) A. B., Collector.

*Collector's Office.*

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## APPENDIX K.

(See Section LXVI. Clause 1st.)

*Form of Licence for the Vend of Toddy.*

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., Collector of ———, authorize C. D. to open a shop for the sale of toddy in the city (town or village) of —— in ——, for the year ——— A. D. It is required of him, as a condition of his licence remaining in force, that he duly and faithfully perform and abide by the following Articles:—

1st.—That he pay to Government a daily tax of ——— Surat rupees.

2nd.—That he confine his sale of toddy in the shop for which his licence is granted, and on no account sell any toddy without the limits of the above city (town or village), or establish a second shop within such limits without taking out another licence for the same.

3rd.—That he prevent gaming and disorder within his shop.

*(Article 4th, &c. to the end, the same as in Appendix H, with the substitution of* "toddy" *for* "spirits" *in Article 7th, and* "said shop" *for* "said still and shop" *in the concluding paragraph.)*

(Military Branch.)

# REGULATION XXII. A. D. 1827.

A REGULATION *to declare and define Military Authority in its relations to the Civil Power and to the Community at large.*—PASSED *by the Governor in Council on the 1st January* 1827, *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2nd Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of nine (9) Chapters, as below:


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION. |
|---|---|---|
| I. | *Of the convening and power of Courts-martial, of military courts having civil and criminal jurisdiction, co-operation of civil and military authorities for purposes of police, and rules under which civil authorities are to aid military tribunals*..... | I. |
| II. | *Of the Military Courts of Requests for deciding civil actions for debt, and of the jurisdiction to be exercised by Courts-martial in criminal offences*..... | VII. |
| III. | *Of offences and civil actions relating to the Military Department, but cognizable in a civil court*..... | XV. |
| IV. | *Of marking the limits of cantonments and of the appointment, functions and authority of the Superintendent of Bazars*..... | XXI. |
| V. | *Process by civil authority how to be conducted within the limits of cantonments*..... | XXXIII. |
| VI. | *Rules for punishment of offences committed by camp followers during a march*..... | XXXV. |
| VII. | *Of the aid which may be furnished by Civil Authorities to expedite the march of Military Forces, and of compensation to individuals for damage caused by the troops on such occasions*..... | XL. |
| VIII. | *Of requisitions for Military Aid by Civil Authorities*..... | XLIV. |
| IX. | *Rules relating to the sale of spirituous liquors at Military Stations and during a march*..... | XLVIII. |

# (Military Branch.)

## REGULATION XXII. A. D. 1827.

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Preamble.

WHEREAS the preservation of military discipline requires that special rules for its enforcement should be provided, and whereas it is expedient that in certain cases, when persons belonging to or connected with the army are defendants, both Civil and Criminal jurisdiction should be exercised by Courts of military constitution in lieu of the ordinary tribunals ; and further, that certain matters connected with the miltary department should be cognizable by Civil Courts, and whereas it is also expedient, that camp followers should be subject to a more direct control than can be exercised over them by the Civil power, that the mode of communication between Civil and Military authorities should be prescribed, and their right to call upon each other for aid defined, and that means of suppressing immorality at military stations and in camps should be provided ; and whereas the British legislature has in Act 4th Geo. IV Chap. 81 enacted certain rules for the above purposes with relation to persons of particular descriptions, the same, so far as applicable, are adopted with certain additional rules in relation to such persons of similar descriptions, as are subject to the Regulations of the Bombay Government, and are detailed in this Regulation, which shall have effect within the territories subordinate to the Presidency of Bombay, from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

OF THE CONVENING AND POWER OF COURTS-MARTIAL; OF MILITARY COURTS HAVING CIVIL AND CRIMINAL JURISDICTION; CO-OPERATION OF CIVIL AND MILITARY AUTHORITIES FOR PURPOSES OF POLICE; AND RULES UNDER WHICH CIVIL AUTHORITIES ARE TO AID MILITARY TRIBUNALS.

Courts-martial how convened.

SECTION I.—Native Courts-martial for the trial on account of offences against military discipline of persons, not being British-born subjects, amenable to military law, are convened, constituted and conducted according to and by virtue of the rules in force for the army ; and further, the Commander in Chief or Commanding Officer of the Forces for the time being, shall have authority, when any of the Bombay native troops are on foreign service, or in any part of the British possessions beyond sea, to delegate by warrant to the officer commanding in chief, where such troops are stationed or serving, his power of convening, as occasion may require, Native General Courts-martial, and also to delegate in like manner, either absolutely or under such restrictions as he may think fit, his power of confirming or directing the revision of the sentences of Courts-martial.

General Courts-martial how constituted.

SECTION II.—A Native General Court-martial shall consist of not less than nine Native Commissioned Officers or Jemedars, unless convened where troops are on foreign service or beyond sea, as provided in the preceding section, when it may consist of any number of Native Commissioned Officers or Jemedars, not less than five, if the number of nine cannot in the convening officer's judgment conveniently be had; but no sentence of death shall be passed by a Native General Court-martial unless two-thirds of the members, or four, when the Court consists of five, shall concur therein.

Constitution of military courts for cognizance of civil actions & criminal offences, and classification of persons subject to their jurisdiction.

SECTION III.—*Clause* 1*st.*—The military Courts hereinafter constituted by Sections VII and IX, for the cognizance of certain civil actions and criminal offences, shall have jurisdiction over all persons of the following descriptions, belonging to the Bombay Native Army, and not being British-born subjects:

Officers :

*First.*—Officers bearing commissions in the military service of the Company:

Soldiers :

*Second.*—Persons enlisted in the military service of the Company, whether non-commissioned officers or privates :

Surveyors draftsmen, medical attendants, and all public servants appertaining to the army.

*Third.*—Persons serving as military surveyors or draftsmen, or in the medical, commissariat store, or veterinary departments, and generally, all persons receiving public pay drawn by an officer in charge of a department appertaining to the army.

CHAPTER II.

Sutlers and residents in camps:

*Fourth.*—Sutlers and camp-followers, including all persons residing or following any occupation at a cantonment or military station.

All but European troops belonging to Bombay:

*Fifth.*—The officers and soldiers of any description of troops (except European troops) being mustered and in pay, belonging to the Bombay Establishment.

How far such persons are exempted from civil jurisdiction:

*Clause 2nd.*—The said persons are not thereby rendered free from Civil Jurisdiction, except in cases which may be specifically provided for by Act of Parliament, or Regulation, but it is hereby enacted, that when a civil officer shall have occasion to confine an officer or soldier, either commissioned or enlisted, he shall as soon as possible, forward to the Commanding Officer of the station a communication, which shall be in the form of an extract from any periodical return which may be usually made by such Civil officer to a superior authority, in order to denote the nature of the charge and its result:

Civil and military authorities to give mutual aid.

*Clause 3rd.*—And it is enacted in Sections III & XVII of the Act 4th Geo. IV Chap. 81, that civil magistrates and military Commanding Officers shall mutually aid each other in the apprehension of offenders subject to their respective authorities, the former by delivering up such as may have been apprehended by them, and the latter by using their utmost endeavour to assist the magistrate's process against officers or soldiers.

Courts-martial for trying offences against military discipline, how to conduct their proceedings.

SECTION IV.—Native Courts-martial assembled for the purposes of trying offences against military discipline, will be guided by the rules in the military code, or such articles and orders as may be in force respecting the army; and to aid their proceedings, certain rules are enacted in the two following Sections similar to those contained in Act 4th, Geo. IV. Chapter 81.

How Courts-martial are to procure the attendance and evidence of witnesses.

SECTION V.—*Clause 1st.*—Courts-Martial shall have authority to summon and examine witnesses on oath or solemn declaration, and any person not subject to military law, being duly summoned and failing to attend, shall, on complaint made by the Judge Advocate or other person officiating as such, be apprehended by the magistrate of the jurisdiction in which he resides, and punished as if he had neglected to attend on a summons issued by the magistrate; and further, if the evidence of a person not subject to military law be required at a Court martial, it shall be optional with the Court, through the medium of the officer whose duty it may be to conduct official communications to make application to that effect, either to the magistrate or to the Civil Court, and the authority applied to, shall procure the attendance of the witness before the Court-martial by such means and under such rules as may be in force for procuring the attendance of witnesses before such authority.

Perjury or other misconduct in witnesses how to be punished.

*Clause 2nd.*—A witness summoned by virtue of the preceding clause, shall be liable to the same penalties for speaking falsely on oath or otherwise, as the case may be, or for other misconduct, as is the practice in Courts of Criminal Judicature, which penalties however are to be adjudged and enforced by the civil authority;

Witnesses to be exempt from arrest.

*Clause 3rd.*—Witnesses shall be exempted from arrest in any civil proceeding while in attendance on a Court-martial, and during the time necessary for going and returning; wherefore if any person should be so unduly arrested, he shall, on satisfactory proof made in a summary manner before the Court under whose authority he is held in custody, be forthwith discharged.

Sentences made by a court-martial may in certain cases be executed through the medium of the civil authority:

SECTION VI.—*Clause 1st.*—A prisoner sentenced by a Court-martial to imprisonment or solitary confinement, or hard labour, may be forwarded to the Criminal Judge of the district by the Commanding Officer of the district, with an authenticated copy of the sentence, which the Criminal Judge shall execute according to its tenor:

Returns to be made in such cases.

*Clause 2nd.*—Periodical returns of such prisoners shall be made by the Criminal Judge to the Suddur Foujdaree Adawlut at the same time, and so nearly as the matter will admit, in the same form as prescribed for other convicts, and, when the sentence has been executed, the authenticated copy of it shall be endorsed, as usual in warrants issued by a Court of Circuit, and returned to the commanding Officer.

## CHAPTER II.

### OF THE MILITARY COURT OF REQUESTS FOR DECIDING CIVIL ACTIONS FOR DEBT, AND OF THE JURISDICTION TO BE EXERCISED BY COURTS-MARTIAL IN CRIMINAL OFFENCES.

A military Court of Requests (the Superintendent of bazars occasionally supplying its place) may try certain actions for debt;

SECTION VII.—*Clause 1st.*—Wherever any of the Company's Forces may be employed beyond the jurisdiction of the Court of Requests established at the Presidency, actions for debt and all personal actions not exceeding four hundred (400) Bombay Rupees in amount against a person belonging, both when the suit is instituted and also when the cause of action arose, to any of the descriptions stated in Section III, Clause 1st, of this Regulation, shall be cognizable before a Court of Requests composed of military officers, and not by the ordinary tribunals within the territories subordinate to Bombay;

Bombay; provided however that the Superintendent of Bazars, or other staff officer when there is no Superintendent, may he employed in lieu of the said Court as denoted in Section XXXII.

How convened and composed:

*Clause* 2*nd*.—The commanding officer of any station or cantonment is authorized to convene such Courts, which shall be composed according to the orders of the Commander in Chief, or Commanding Officer of the Forces for the time being, or, in the absence of such orders, according to the discretion of the convening officer, either of not less than three European commissioned officers, or of not less than three native commissioned officers with an European commissioned officer to superintend and record the proceedings:

Its forms of procedure:

*Clause* 3*rd*.—Each member of the Court shall take an oath according to his religious tenets, to do impartial justice: the forms, proceedings and records, shall be as usual in Courts-martial, and the attendance and evidence of witnesses not subject to military law, shall be procured under the rules contained in Section V. of this Regulation.

How the decisions are to be executed.

SECTION VIII.—*Clause* 1*st*.—It shall be competent to the Court, on finding any debt or damage due, to award execution of the decision, either generally, or by directing that the whole or any part of the amount be stopped and paid over to the creditor, out of any pay or public money which may be coming to the debtor in the current or any future month:

By seizure and sale of effects that are.

*Clause* 2*nd*.—And, if the execution be awarded generally, the amount, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer grounded on the judgment of the Court.

Or subsequently may be in camp.

*Clause* 3*rd*.—And if sufficient goods be not so found, then any which may subsequently be found within the said limits shall be liable to be seized and sold as above said, in satisfaction of the remainder of the debt or damage; or any public money, or sum, not exceeding the half-pay accruing to the debtor, shall be stopped in liquidation of the said debt or damage; and, if such debtor shall not receive pay as an officer or soldier, or from any public department, he shall be arrested by written order of the Commanding Officer, and imprisoned in some convenient place within the said limits for a period of two (2) months, unless the amount be sooner paid.

By stoppages.

Or by imprisonment.

Certain offences committed by certain persons will in some cases be tried by Courts-martial.

SECTION IX.—*Clause* 1*st*.—All persons of the descriptions stated in Clause 1st of Section III. of this Regulation, shall be tried by a Native General Court-martial, assembled and conducted according to the rules prescribed for such tribunals, and not by the ordinary Bombay Criminal Courts, if accused of having committed wilful murder, robbery, or other serious offence; provided that such Court-martial shall not be held at the Presidency, and provided also, that the place where the offence was committed be beyond the Bombay territories, or otherwise, that it be neither at the presidency, nor more than one mile from the limits of the principal Military Station in the Collectorate, or other Military Station previously notified for this purpose in a proclamation by Government.

And in others by the ordinary criminal courts.

*Clause* 2*nd*.—If the place where the offence was committed should be within the territories subordinate to Bombay, and more than one mile from the nearest limits of any Military Station as described in the preceding Clause, the case shall belong exclusively to the ordinary tribunals of criminal judicature.

What punishments may be awarded by criminal Courts-martial.

SECTION X.—*Clause* 1*st*.—A person found guilty of an offence by a Court-martial, as stated in the preceding Section, shall be liable to death, or transportation for life, or for a term of years, or to such other punishment, according to the nature and degree of the respective offence, as the Court-martial may adjudge; but it is hereby provided, that the Commander in Chief shall have power to commute sentences of death into transportation for life, or for a term of years, and also (with the consent of the party affected thereby, but not otherwise) to commute a sentence of transportation into one of temporary imprisonment, or of any other nature milder than that originally passed.

Sentences of death or transportation to be confirmed by the Commander in Chief with the concurrence of Government.

*Clause* 2*nd*.—And further, if the offence have been committed within the Company's territories, no sentence of death or transportation passed by a Court-martial by virtue of Section IX of this Regulation shall be carried into execution until confirmed by the General, or other officer commanding at the Presidency, with the concurrence of the Governor in Council; and, if a sentence of death be commuted, according to the preceding clause of the present Section to transportation, the confirmation by the Governor in Council shall be required for execution of the punishment adjudged in commutation.

Parties entitled to copies of sentences and proceedings:

*Clause* 3*rd*.—And any party tried by the Court-martial on the authority of this Regulation, shall be entitled to a copy of the sentence and proceedings; on demand made by himself or any one on his behalf, six months after the same, and, if the trial have been held in the Company's possessions beyond the seas or in foreign parts, then twelve months after the sentence.

CHAPTER. III.

How sentences of transportation are to be executed.

*Clause 4th.*—Execution of a sentence of transportation shall be done through the medium of the Criminal Judge, who will, on a request being made in writing by the Commanding Officer of the station, receive charge of the convict and proceed as if the sentence had been passed by a Court of circuit.

Penalty for embezzling or damaging public stores.

SECTION XI.—*Clause 1st.*—Any person of any of the descriptions specified in Clause 1st of Section III employed in the care or distribution of military stores, or any sort of public property applied to military purposes, who shall embezzle or fraudulently misapply or damage (or cause or connive at the same) any such stores or public property may be tried for the same by a general Court-martial.

Transportation &c.

*Clause 2nd.*—And the Court may sentence such offender to be transported for life, or for a term of years, or to fine or imprisonment, or to dismissal from the Company's service and incapacity of serving the Company again in any office, civil or military, according to the nature and degree of the offence;

The offender is also responsible for the value.

*Clause 3rd.*—And the offender shall also make good the loss or damage which the Court-martial may ascertain to have been sustained, which shall be recoverable by the process stated in Section XX of this Regulation.

Penalty of perjury when committed by a person amenable to military law.

SECTION XII.—Of the descriptions of persons specified in Clause 1st of Section III of this Regulation, a commissioned officer convicted before a general Court-martial of perjury, by giving false testimony on oath or solemn declaration, in any matter wherein his evidence may be so required, shall be cashiered, and any other individual guilty of the said offence, shall be punished at the discretion of a general or regimental Court-martial.

A person who has been regularly tried by any Court is not liable to a second trial.

SECTION XIII.—A person who may have been tried for an offence by Court-martial as stated in Section IX of this Regulation, shall not be tried for the same in any other Court whatsoever, and no person, who has been acquitted or convicted of any offence by the civil magistrate, shall be punished by a Court-martial for the same otherwise than by cashiering.

Sentence may be executed in certain cases through the medium of the civil authority:

SECTION XIV.—The rules contained in Section VI of this Regulation, for the confinement by the civil magistrate of prisoners sentenced thereto by a Court-martial, for offences against military discipline are equally applicable to cases in which similar sentences have been passed for criminal offences.

## CHAPTER III.

### OF OFFENCES AND CIVIL ACTIONS RELATING TO THE MILITARY DEPARTMENT, BUT COGNIZABLE IN A CIVIL COURT.

Penalty of perjury when committed by a person not amenable to military law.

SECTION XV.—Any persons wilfully and knowingly giving false testimony on oath or solemn declaration, before a Court-martial assembled under any of the provisions of this Regulation, shall be deemed guilty of perjury, and punished by the laws in force for such crime.

Penalty for aiding the escape of convicts.

SECTION XVI.—Any person aiding the escape of a convict confined under sentence of a Court-martial held by virtue of Act 4th, Geo: IV, Chapter 81, or of this Regulation, shall on conviction before a magistrate or other higher tribunal, be liable to punishment by fine or imprisonment not exceeding seven years or both conbined.

Penalty for aiding desertion:

SECTION XVII.—Any person who shall persuade an officer or soldier, British or native, in the service of Her Majesty or the Company, to desert, or shall, wilfully harbour, conceal or assist such deserter, shall, on conviction before a magistrate or other higher tribunal, be punishable with fine or imprisonment not exceeding four years or both conbined.

Penalty for making false musters or aiding the same:

SECTION XVIII.—Any person who shall furnish, or cause to be furnished a false certificate whereby to excuse a soldier, British or native, for his absence from muster or any other service, on pretence of his being employed on duty, or being sick, in prison, or on furlough, shall be liable to a forfeiture not exceeding rupees (400,) which shall be recoverable as a debt, on prosecution by the Commanding Officer of the station in any Court having jurisdiction over the offender in actions for debt, and when recovered shall

How enforced:

be disposed of as Government may direct; and further, the offender, if in the military service of the Company, shall be cashiered, and incapacitated from holding any military office in the Company's service.

Penalty for receiving military equipment or stores:

SECTION XIX.—Any person receiving in purchase, gift, exchange or otherwise, any dress or arms, grain or forage, or articles of any nature known by such person to have been furnished by Government for the use of the british or native troops, or any department of the army, shall on conviction before the magistrate or higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

How the value of embezzled or damaged stores is to be recovered and disposed of:

SECTION XX.—Any Court having cognizance of actions for debt to whose jurisdiction a person who has been found guilty of the offence described in Section XI, Clause 1st may be subject, shall, on prosecution by the Commanding Officer of the station, pass a decree against such offender to the amount of any loss or damage ascertained by the Court-martial to have ensued, and the amount (which shall be recoverable by the usual process of law) shall be disposed of as Government may direct.

## CHAPTER IV.

### OF MARKING THE LIMITS OF CANTONMENTS, AND OF THE APPOINTMENTS, FUNCTIONS AND AUTHORITY OF THE SUPERINTENDENT OF BAZARS.

Limits of military stations how to be ascertained:

SECTION. XXI.—*Clause* 1*st*.—At military stations situated within the territories subordinate to the Presidency of Bombay, the limits of cantonments or bazars, shall, when directed by the Governor in Council, be marked by the local magistrate and Commanding Officer in conjunction, subject to approval by the Governor in Council, in which limits private property is not to be included:

Plans thereof to be kept:

*Clause* 2*nd*.—The above mentioned officers shall report the limits with a plan thereof, to the Governor in Council, and when they have been approved, a plan shall be kept by the magistrate, and another by the Commanding Officer.

A Superintendent of bazars to be appointed:

SECTION XXII.—*Clause* 1*st*.—At every station where limits have been marked, as described in the preceding Section, an officer, to be denominated Superintendent of Bazars, shall be appointed by the Governor in Council.

Vacancies how to be supplied:

*Clause* 2*nd*.—When by death, or illness, or absence, or any other cause, the Superintendent of Bazars is unable to continue the duties of his office, the Commanding Officer shall appoint a person to act until the vacancy be supplied by the Governor in Council, to whom the Commanding Officer shall report the new appointment and its cause immediately.

The Superintendent to be subordinate to the commanding Officer and to qualify by oath.

SECTION XXIII.—The Superintendent of Bazars shall, under the immediate authority of the Commanding Officer, perform the duties assigned to him in this Regulation, and, previous to entering on the functions of his office, shall take and subscribe before any person or persons commissioned by Government to administer it, the following Oath: "*I.—— appointed Superintendent of Bazars at the station of——, swear that I will impartially discharge the judicial duties of that office, and will neither derive nor connive at any person under my authority, deriving any profit therefrom, except such as may be officially allowed.*"

"*So help me God.*"

The Superintendent to have charge of the police establishment:

SECTION XXIV.—The Superintendent of Bazars shall have charge of such official establishment, for maintaining order and convenience in the limits of the cantonment, and enforcing rules established for that purpose by the Commanding Officer, subject always to the control of Government, as may be placed at his disposal.

And empowered to take evidence:

SECTION XXV.—*Clause* 1*st*.—The Superintendent shall have authority to take evidence on oath or solemn declaration, when necessary in the course of his duties, and a false statement made before him on such occasions, shall be punishable as if it had occurred in a Court of Criminal Judicature:

How to procure the evidence of persons within the military limits:

*Clause* 2*nd*.—And if a person (not being a British-born subject) found within the limits of the cantonment, refuse to attend or give answer when summoned by the Superintendent to give evidence, he shall be confined until he complies:

And how of those without:

*Clause* 3*rd*.—And if the evidence of a person without the said limits be required, it shall be procured by application to the Civil Court in the mode described in Section V, Clause 1st.

The Superintendent may take cognizance of certain offences.

SECTION XXVI.—*Clause* 1*st*.—The Superintendent shall try and punish the offences specified in this Section, committed within the limits of the cantonment by any person not being a British-born subject, provided the said offence be not of such a nature as is described in Section IX of this Regulation, to be within the jurisdiction of a Court-martial:

Within a certain period of time:

*Clause* 2*nd*.—But he shall not take cognizance of such offences unless the charge be made within ten (10) days after the offence was committed, nor unless the offender be apprehended within the limits of the cantonment within three (3) months of the offence having been committed:

What offences are thus cognizable:

*Clause* 3*rd*.—In cases of trivial assault, petty theft, riotous conduct, abusive language, or calumny, using false weights or measures, issuing false or counterfeit coin, or having in possession more than five pieces of such without lawful excuse, and also in cases of breach of such rules as may have been established by the commanding Officer for maintenance of order duly promulgated by beat of drum, and by a translation into the language current in the cantonment, and signed by the Brigade Major or other staff officer of the

station,

station, being fixed in some conspicuous part of the bazar; and in cases of misconduct on the part of servants, such as insolence, disobedience, neglect, or quitting service without a month's previous warning, the Superintendent is authorized to adjudge a fine not exceeding fifty (50) Bombay Rupees, or corporal chastisement not exceeding twenty-four (24) rattans, or to confine the offender for a period not exceeding one month, and if the fine be not paid, the offender is, in lieu thereof, to be confined for a period not exceeding one (1) month.

And how punishable:

How the Superintendent to dispose of offenders on whom he is not authorized to pass sentence:

SECTION XXVII.—If any person within the limits of the cantonment be charged with an offence, of which the Superintendent is not authorized to take cognizance, or if it be of such a nature as to require greater punishment than he is authorized to inflict, he shall report the case to the Commanding Officer, in order that it may be brought before an authority competent to try it.

Complaints made against British-born subjects by Natives how to be proceeded with:

SECTION XXVIII.—*Clause* 1*st*.—It is enacted in the Act 53rd, Geo. III. Cap. 155, Section 105, that "the magistrate of a district shall have authority, on complaint being "made to him by a native, that any British subject has therein committed assault, for- "cible entry, or other injury accompanied with force, not being felony, to take cogiz- "ance of the same, and having taken in writing the substance of the complaint, de- "fence and evidence, to acquit or convict the party accused."

What punishments may be inflicted.

*Clause* 2*nd*.—And it is further thereby enacted, that "in case of conviction the said "magistrate may inflict on the party a fine not exceeding five hundred (500) Rupees, to "be levied in case of non payment by warrant under the hand of the magistrate, upon "any property of the party which may be found in the said district, and, if no such "property be found, then the magistrate may, by warrant under his hands commit the "party to confinement in some fit place within the district for a period not exceeding two "months, unless the fine be sooner paid; and if there be no such fit place, then in the "gaol at the Presidency under the like limitations; and the magistrate may award the "whole or any portion of the fine to the party aggrieved in compensation for the injury:"

Report to be made to Government.

*Clause* 3*rd*,—It is also provided in the said enactment, that "in case of conviction a "copy thereof and all depositions and proceedings relating thereto, shall forthwith be "transmitted by the magistrate to the Government of the Presidency, and that the fine, "or what may remain after making compensation as above said to the party aggrieved,

And fines how to be disposed of.

"shall be transmitted to the Clerk of the Crown, or other officer whose province it is to "receive fines in Her Majesty's Court of Oyer and Terminer and Gaol Delivery for the "respective district;"

Convictions may be removed into the Supreme Court.

*Clause* 4*th*.—And it is also provided in the said enactment that "such conviction is "removeable by writ of *certiorari* into the said Court of Oyer and Terminer and Gaol "Delivery, but that nothing herein contained shall prevent the magistrate from com- "mitting or holding to bail, any British subject charged with any such offence in the "same manner as he might otherwise have done."

But this shall not prevent an offender being committed or held to bail.

The preceding rules how applicable to the Superintendent of Bazars:

*Clause* 5*th*.—It is held that the above quoted rules in this Section are applicable to the Superintendent of Bazars as magistrate within the limits of the cantonment, he having been duly qualified as a justice of the peace, provided that the cantonment be within 120 miles distance from the Presidency, otherwise the offender is to be tried by Court-martial.

Superintendent to control traffic in spirituous Liquor:

SECTION XXIX.—It shall also be the duty of the Superintendent of Bazars to control the manufacture and sale of spirituous liquors, according to the rules contained in Chapter IX of this Regulation.

Sentences to be confirmed by the Commanding Officer.

SECTION XXX.—The Superintendent of Bazars shall not execute any sentence, either in the criminal or excise branch of his duties, until he has submitted his proceedings to the Commanding Officer, who shall have power to suspend, mitigate, remit, or confirm the sentence, expressing his final order by endorsement on the paper containing the same: his trials in the said branches shall also be recorded in writing as usual on Court-martial, and he shall furnish to the Commanding Officer on the 1st of each month, a return of sentences executed during the preceding month stating the dates of sentences, names of offenders, nature of offences, and the sentences, as in the following Form.

And proceedings recorded:
Return to be made to the commanding Officer:

***RETURN** of punishments and confiscations inflicted by the Superintendent of Bazars at——during the month———A. D.———*

| DATE. | NAMES OF PRISONERS. | OFFENCE. | SENTENCE. |
|---|---|---|---|
| 3rd. | Jhan Mahomed. | Stealing copper pots value Rs. 25. | 20 Stripes, |
| 7th- | Ibrahim Moosa. | Smuggling a cask of mowra. | The mowra confiscated. |

1st of——A. D.——
(Signed)
*Superintendent of Bazars.*

Which return the Commanding Officer shall forward to the Commander in Chief on the 15th of the month in which he received.

And forwarded to the Commander in Chief.

SECTION XXXI.—All fines imposed and levied by the Superintendent of Bazars otherwise than by virtue of Section XXVIII, are to be applied as directed by orders from the Governor in Council,

Fines how disposed of.

SECTION XXXII.—*Clause* 1*st*.—With the view of providing speedy justice in cases where the amount in dispute is trifling, and delay is seriously inconvenient, the Superintendent of Bazars shall have authority to receive, try and decide in a summary manner, pecuniary claims coming within the jurisdiction of the Court of Requests, as described in Sec. VII, provided that the sum in dispute shall not exceed Bombay Rs. (30) thirty; but whenever any reason appears for assembling a Court of Requests, the Superintendent shall apply to the Commanding Officer for orders, and act accordingly.

The Superintendent may try certain cases for debt:

*Clause* 2*nd*.—In trying the suits falling under his cognizance by virtue of the preceding clause, the Superintendent of Bazars shall procure the attendance and evidence of witnesses under the rules of Sec. XXV, and shall record his proceedings and his decree in writing, as usual in Courts-martial, and in the English language; the decree shall be countersigned by the Commanding Officer, on whose order it shall further be executed in the mode prescribed in Sec. VIII, for decrees of the Court of Requests; a monthly return of his decisions according to the following form, shall also be furnished by the Superintendent to the Commanding Officer on the 1st of each month, and shall be forwarded on the 15th of the said month to the Commander in Chief,

His proceedings how recorded and his decrees how executed.

Returns to be furnished monthly.

*RETURN of decisions in suits for debt passed by the Superintendent of Bazars at—— during the month of——*

| Date of Decree. | Names of Parties. | Matter of Dispute. | Decrees |
|---|---|---|---|
| 15th July 18—— | A. B. agt. C. D. | Rs. 25 for grain supplied. | For the Plaintiff 15 Rs. |

1st August 18——

(Signed)———

*Superintendent.*

*Clause* 3*rd*.—In all disputes regarding expultion from caste, marriage, succession, adoption, the right or title to immoveable property, or other matters not of a pecuniary nature, the interference of the Superintendent shall be limited to the object of preserving the peace, and preventing or correcting any change in the relative situation of the parties previously to judicial decision of the point in dispute.

Civil suits not of a simple pecuniary nature tryable only by the regular Courts, the Superintendent interfering only as Magistrate.

## CHAPTER V.

### PROCESS BY CIVIL AUTHORITY HOW TO BE CONDUCTED WITHIN THE LIMITS OF CANTONMENTS.

SECTION XXXIII.—When a civil officer shall have occasion to communicate officially with the Superintendent of Bazars, he shall transmit his communication under cover to the Commanding Officer, who shall forward any answer that may be required.

How communications are to be forwarded by civil officers to the Superintendent.

SECTION XXXIV.—*Clause* 1*st*.—When any process of attachment or sale of property, or arrest of person for debt, to take effect within the military limits, is issued by any Court of justice except the Supreme Court at the Presidency, the process shall first be carried to the Commanding Officer, or senior Officer within the limits, who shall immediately back the same with his signature, and give his utmost assistance to the officer in executing the process according to its tenor:

And how attachments are to be be executed within the military limits.

*Clause* 2*nd*,—But nothing herein contained shall be construed to prevent the service by the officer of the Court, in the usual way of any process of mere cititation, nor of process of arrest for offences cognizable by the said Court.

But the above rules are not to apply to citations or arrest for offences.

*Clause* 3*rd*.—But if a person is arrested under the last preceding clause, the officer of the Court shall immediatly report the circumstance and produce the warrant to the Superintendent of Bazars, for the information of the Commanding Officer.

Though intimation will be given to the Superintendent.

# REGULATION XXII. A. D. 1827.

## CHAPTER VI.

### RULES FOR PUNISHMENT OF OFFENCES COMMITTED BY CAMP FOLLOWERS DURING A MARCH.

Camp followers on a *march when not at the presidency.*

SECTION XXXV.—*Clause 1st.*—Natives not enlisted, but accompanying a military *corps during its march, shall be amenable, as subsequently set forth,* for acts committed *during its* march at any place beyond the Presidency.

Amenable for certain offences to a Court-martial:

*Clause 2nd.*—In cases of fraud committed towards any person belonging to the detachment, whether enlisted or not, and in cases of theft or affray, or riotous conduct, whoever may be the sufferer, or misconduct on the part of servants, the Commanding Officer is empowered to seize, and cause to be tried before a Court composed of not less then two European commissioned officers, the offender or offenders:

What punishment may be inflicted.

*Clause 3rd.*—The said Court may award punishment not exceeding thirty (30) stripes with a rattan, or a week's confinement, which however shall not be executed until the proceedings, recorded as usual on Courts-martial, shall have been laid before the Commanding Officer, to whom it shall be competent to mitigate, confirm or annul the sentence passed.

How the above offences may be punished if a court cannot be convened:

SECTION XXXVI.—If there be not a sufficient number of European officers present with the detachment to form a Court, as prescribed in the preceding Section, the Commanding Officer, provided he be not of lower rank then Ensign, is empowered to investigate such matters as therein stated, and inflict punishment not exceeding (15) fifteen stripes with a rattan, or forty eight hours imprisonment, and he shall record the nature of the charge to be desposited with the regimental records.

Evidence on oath or solemn declaration may be taken in the preceding cases:

SECTION XXXVII.—The Court mentioned in Clause 2nd of Section XXXV, and the Commanding Officer, when acting by virtue of Section XXXVI, shall be competent to take evidence on oath or solemn declaration, and prejury committed before them shall be punished by the ordinary authorities of criminal judicature as if it had been committed before any such authority,

Reservation of the jurisdictions of the Native General Court-martial and the ordinary criminal tribunals in more serious cases.

SECTION XXXVIII.—It is to be clearly understood that the cases provided for in Sections XXXV and XXXVI, are not to include the offences specified in Section IX, committed by camp followers: the said offences will be tried by a Native General Court-martial, or the ordinary tribunals of criminal judicature according to the rules contained in Section IX.

And minor complaints also may be prosecuted before the Magistrate.

SECTION XXXIX,—The authority also conferred by Sections XXXV and XXXVI is not to supersede that of the civil magistrate, in any case where a person not belonging to the dectachment is a complainant, unless the said complainant shall already have applied for redress to the Commanding Officer, and proceedings shall have commenced thereon, otherwise the civil magistrate shall proceed according to the rules of the general code in all matters laid before him.

## CHAPTER VII.

### OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to be given to the magistrate through whose jurisdiction troops may pass.

SECTION XL.—When military bodies, exceeding in numher two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the Commanding Officer shall give timely notice to each magistrate through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

What aid the magistrate shall furnish.

SECTION XLI.—*Clause 1st.*—If it be required, the local magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of Provisions as the country may furnish, and such conveyance for passing rivers or ghauts, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes:

And how it shall be paid for:

*Clause 2nd.*—Provisions and conveyance supplied as abovementioned to individuals, shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the Commanding Officer is to grant denoting the services performed, and the Collector is to insert the amount so disbursed at the foot of his treasury account in explanation of his treasury balance as prescribed for similar cases.

On emergent occasions aid may be procured by impressment:

SECTION XLII.—*Clause 1st.*—When emergent occasions require the immediate march of troops, and more extensive aid towards it, than is allowed by the preceding Section

Section is necessary, the local magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made and the period it is to continue:

What is to be considered as constituting such emergency.

*Clause* 2*nd*.—The magistrate's authority for acting as in the preceding clause shall be either an order from the Governor in Council, or a letter from the Commanding Officer, declaring his inability to proceed without the magistrate's aid, and fully explaining the circumstances, which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the magistrate will act at discretion.

And how remuneration is to be made:

*Clause* 3*rd*.—Remuneration for services or supplies procured by impressment is to be fixed by the magistrate on a liberal scale, and paid according to the principles of Clause 2nd Section XLI, of this Regulation; viz. individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above quoted rules.

The magistrate to report when he resorts to impressment.

*Clause* 4*th*.—Whenever impressment shall take place by virtue of this Section, the magistrate shall within ten (10) days report the fact, with the cause and extent of impressment, and the rates of remuneration allowed, both to the Governor in Council and the Court of Suddur Foujdary Adawlut.

How persons sustaining injury by the march or encampment are to seek redress.

SECTION XLIII.—*Clause* 1*st*.—When damage is occasioned to individuals by the march or encampment of troops, the Commanding Officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

And within what time:

*Clause* 2*nd*.—The certificate mentioned in the preceding Clause shall, if presented to the Collector or any of his officers holding charge of a district within ten days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops, as are *bonâ fide* of a military nature.

In failure whereof they may resort to law.

*Clause* 3*rd*.—On a demand being made by virtue of this Section to the Collector, he shall enquire into its merits, and if satisfied that it is just, shall apply to Government for permission to pay it; if the Collector thinks the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law, by instituting a suit against the Collector.

## CHAPTER VIII.

### OF REQUISITIONS FOR MILITARY AID BY CIVIL AUTHORITIES.

Military aid how to be procured at the presidency:

SECTION XLIV.—Whenever civil officers may require guards or military aid at the Presidency, they are to apply to the Governor in Council, through the channel prescribed for public correspondence.

Permanent guards how to be procured at outstations:

SECTION XLV.—Permanent guards for protection of *jails* or treasuries, or official purposes in general at outstations, shall be furnished according to instructions issued by the Governor in Council, to whom the civil officer requiring them will apply in the first instance: in the interim of such application, if delay should appear likely to occasion injury to the public service, the civil officer will apply for a temporary guard according to the rules of the succeeding Section.

Temporary aid how to be procured at outstations:

SECTION XLVI.—*Clause* 1*st*.—When temporary guards or escorts are required at outstations, the civil officer making the requisition is to state fully and circumstantially to the Commanding Officer at the station, the nature of the service to be performed, and the Commanding Officer will furnish such force as he may think requisite for the purpose.

How the Commanding Officer is to act when perceiving substantial objections to a requisition:

*Clause* 2*nd*.—If the Commanding Officer to whom a requisition is made shall perceive any substantial objection to a compliance therewith, he shall be at liberty to suspend the same, and refer the case to the Commander in Chief, who if he does not think it proper to order compliance with the requisition, shall lay the matter before the Governor in Council for decision.

Civil Officers to report to Government all military guards employed.

SECTION XLVII.—Civil officers employing military guards or escorts either permanent or temporary shall on the first day of each month transmit to government a statement of such as may have been employed during the preceding month.

## CHAPTER IX.

### RULES RELATING TO THE SALE OF SPIRITUOUS LIQUORS AT MILITARY STATIONS AND DURING A MARCH.

Manufacture of spirits within military limits prohibited.

SECTION XLVIII.—*Clause* 1*st*.—The manufacture of spirituous liquors within the limits of cantonments is hereby prohibited, and, in addition to the restrictions on sale of

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And venders to be licenced by the Superintendent.

the same which are enacted in the general code, it shall be necessary for venders within the said limits to procure a licence from the Superintendent of Bazars, for which however no charge is to be made.

The limits may be extended to a certain additional space in so far as regards manufacture and sale of spirits:

*Clause* 2*nd*.—The rules in the preceding Clause shall also have effect in any additional space surrounding the limits of a cantonment which the Governor in Council may determine, provided the additional limits be marked and plans kept as described in Section XXI of this Regulation.

Illicit manufacture of spirits how to be punished.

*Clause* 3*rd*.—And if any manufacture of spirits be attempted within the limits of a cantonment, or the said additional space, the Superintendent shall give information thereof to the Collector, who will proceed according to the rules in force regarding illicit manufacture.

Illicit sale of spirits how to be punished;

SECTION XLIX.—*Clause* 1*st*.—The Superintendent of Bazars shall have authority to punish Natives vending without his licence spirituous liquors within the military limits, and any additional limits around them, which may have been fixed in the manner specified in the preceding Section, for the first offence, by fine not exceeding fifty (50) Bombay Rupees, to be enforced by imprisonment not exceeding one month, unless the fine be sooner paid, and for each subsequent offence, either by corporal punishment not exceeding twenty four (24) stripes with a rattan, or fine not exceeding one hundred (100) Bombay Rupees, to be enforced by imprisonment not exceeding two months, unless the fine is sooner paid, such fine when realized to be in all cases disposed of as the Governor in Council may direct.

Punishment for selling spirits without permission to Europeans of a certain description or for their use:

*Clause* 2*nd*.—He shall also be authorized to punish as in the preceding Clause, natives selling spirituous liquors to an European non-commissioned officer, soldier, or woman belonging to the detachment, or to any one for their use within the said limits, without having first obtained the Commanding Officer's permission in writing.

Smuggling how to be punished.

*Clause* 3*rd*.—He shall also be authorized to punish as above stated, natives smuggling spriritуous liquors within the said limits, provided they are apprehended therein.

Smuggled liquor how to be disposed of:

*Clause* 4*th*.—He shall also be authorized to confiscate spirituous liquors smuggled within the said limits, and, if there be a contractor for sale of liquor at the station, the confiscated liquor shall be given to him, otherwise it shall be destroyed.

Proceedings in the above cases how to be recorded and and confirmed.

*Clause* 5*th*.—The above punishments and confiscations shall be subject to the rules regarding confirmation by the Commanding Officer which are prescribed in Section XXX of this Regulation, and shall be included in the return specified in the said section.

Liquor contractors allowed only where the force amounts to half a regiment.

SECTION L.—Military contractors shall not establish shops for sale of spirituous liquors at a station where is less than half a regiment.

Sale of liquors to Europeans of a certain description or for their use how to punished beyond the military limits.
And notice of the same to be annexed to licences.

SECTION LI.—Any native selling spirituous liquors beyond military limits to the persons specified in Clause second of Section XLIX, without written permission from the Commanding Officer, shall be fined by the local magistrate fifty (50) Rupees for the first offence, and one hundred (100) for each subsequent offence, notice of which penalty shall be annexed to each licence granted by the collector.

In what cases individuals may import liquors for private use free from duty.

SECTION LII.—*Clause* 1*st*.—All foreign spirituous liquors introduced into a collectorship on the way to a military station the limits of which have been marked according to Section XXI of this Regulation, shall pay the same import duty as if they had been introduced for any other purpose unless accompanied by a certificate, stating that they are for the use of individuals and are not to be resold:

Certificate for the above purpose by whom to be made.

*Clause* 2*nd*.—The above certificate shall be furnished by the person for whose use the liquor is imported, or by some other person on this behalf:

The liquor may be detained if the certificate appears suspicious.

*Clause* 3*rd*.—The Collector shall have authority to detain the spirits, until he is satisfied that the certificate is not forged nor for fraudulent purposes, on proof of either of which facts the liquor shall be confiscated and sold, a reward of one half the proceeds therefrom being assigned to any person, or divided, at the discretion of the Collector among any persons, through whose exertion or information the fraud was detected.

Informers how to be rewarded.

Liquor venders how to be licensed during a march from a station where is a superintendent of bazars.

SECTION LIII.—*Clause* 1*st*.—Troops marching from a military station where there is a Superintendent of Bazars may be accompanied during the march by such liquor venders as are authorized by licence from the Superintendent of Bazars:

And who amenable for misconduct.

*Clause* 2*nd*.—And such liquor venders shall be subject to the punishments provided in the four first Clauses of Section XLIX of this Regulation, for Offences within the limits of the camp, the proceedings and decisions to be made by the Commanding Officer instead of the Superintendent, but for acts beyond those limits they shall be subject to the general rules of the code:

How licensed and amenable on a march from a station where there is no Superintendent of bazars :

*Clause* 3*rd*.—Troops marching from stations where a Superintendent of Bazars has not been appointed may be accompanied during their march by liquor venders authorized by the commanding Officer and they shall be liable to punishment by him for offences in the way specified in Clause second of this Section :

Licences in certain cases to stipulate an obligation to accompany troops during a march.

*Clause* 4*th*.—The obligation so to accompany troops when required shall form part of the stipulations under which the Collector is to grant licences at the stations where there is not a Superintendent of Bazars.

The commanding Officers consent requisite to licences where there is no Superintendent of bazars :

SECTION LIV.—*Clause* 1*st*.—At military stations where there is no Superintendent of Bazars, the Collector shall not grant a licence for the sale of spirituous liquors to any person without the commanding Officers consent :

The commanding Officer to aid the collector's process respecting sale and manufacture of liquors.

*Clause* 2*nd*.—At all stations it shall be the duty of the commanding Officer to use every possible care to prevent the troops or followers from obstructing the Collector's process, according to the general regulations respecting the vend and manufacture of spirituous liquors.

And the collector if possible, to execute such process by application to the commanding Officer.

*Clause* 3*rd*.—The Collector shall however, when it can be done without inconvenience to the public service, execute process within military limits by application to commanding Officers and shall uniformly acquaint them with the result of a search.

How liquor shops or stills near military stations may be suppressed.

SECTION LV.—If a Collector shall refuse to suppress any shop or still in the vicinity of a military station on the commanding Officer requesting it, the case shall be referred by the latter to the Governor in Council, who will issue such orders as he may deem proper.

(Miscellaneous Branch.)

# A. D. 1827. REGULATION XXIII.

A REGULATION *imposing certain restrictions on money transactions between persons filling certain Civil Offices, and others, and on the employment of individuals, with whom they may have such transactions, by the said Officers in official capacities; on the possession of landed property by Europeans and Americans, and on the general use of uniforms and badges.*—PASSED *by the Governor in Council on the 1st January* 1827, *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2d Jummadyool Akhir* 1242 *of the Hijree.*

**Consisting of three (3) Chapters, as below.**


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION. |
|---|---|---|
| I. | *Prohibition against money transactions between certain Civil Officers and certain Natives and against the Civil Officers unauthorizedly employing their native creditors in official capacities*..... ..... | I. |
| II. | *Restrictions on the occupation of land by Europeans or Americans*.. | III. |
| III. | *Restrictions on the use of uniform and badges*..... ..... .. | V. |

(Miscellaneous Branch.)

# REGULATION XXIII. A. D. 1827.

A REGULATION *imposing certain restrictions on money transactions between persons filling certain Civil Offices and others, and in the employment of individuals, with whom they may have such transactions, by the said officers in official capacities; on the possession of landed property by Europeans and Americans, and on the general use of uniform and badges.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2d *Jummadyool Akhir* 1242 *of the Hijree,*

Preamble.

WHEREAS it is essential to provide against the temptations which might be produced by a concurrence of private interests between European Officers holding appointments of high responsibility and Natives immediately subordinate to the said Officers, or acting executively with relation to them; and whereas it is expedient that Europeans and Americans should not be permitted to occupy land in the territories subordinate to the presidency of Bombay without the special sanction of Government, and whereas the distinctions intended to be preserved by the use of uniforms and badges must be destroyed by a general use of the same, the following rules have been enacted to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

## CHAPTER I.

### PROHIBITION AGAINST MONEY TRANSACTIONS BETWEEN CERTAIN CIVIL OFFICERS AND CERTAIN NATIVES, AND AGAINST THE SAID CIVIL OFFICERS UNAUTHORIZEDLY EMPLOYING THEIR NATIVE CREDITORS IN OFFICIAL CAPACITIES.

Certain civil officers prohibited from having money transactions with certain natives.

SECTION I.—*Clause* 1*st.*—All persons holding the situations of Judge of the Sudder Adawlut, Register or Assistant Register to the said Court, Zilla Judge, or Magistrate, or Assistant to either of those officers are, on pain of dismission from their situations, prohibited from having any money transactions directly or indirectly, either as borrowers or lenders with any native on the judicial or revenue establishments of the province or zilla over which their authority extends, with any landholder, or farmer of land, dependent t alookdar, or under farmer or ryot having real property, or any commercial establishment within that province or zilla, or with the sureties of such persons.

Prohibited loans made by such officer not recoverable.

*Clause* 2*d.*—Loans made by any of the public officers enumerated in the preceding Clause, in violation of its provisions, are further declared not recoverable in any Court of Judicature.

Such officers must not employ their creditors under them without leave; and must report any creditor coming under their control.

SECTION II.—*Clause* 1*st.*—No person being a creditor of any of the officers enumerated in clause Ist of the preceding section shall be appointed to any official situation, in which he may be accountable to the said officer, unless by the express permission of Government previously obtained; and any such officers, who may on the promulgation of this regulation or hereafter at any time find any creditor of his so situated as to be accountable to him, shall immediately on becoming aware of the circumstance report the same to Government, or failing to do so will be rendered liable to dismissal from office,

Persons united in interest with the creditors are to be viewed as creditors.

*Clause* 2*d*.—The rules contained in the preceding clause, for precluding the creditor of the public officers abovementioned from being employed on their public establishments, shall be considered as equally applicable to such persons as may have an immediate connexion of interests with the said creditors; such persons shall therefore as well as the said creditors be equally and under the same rules, precluded from being employed on the establishment of any of the public officers above described.

## CHAPTER II.

### RESTRICTIONS ON THE OCCUPATION OF LAND BY EUROPEANS OR AMERICANS.

Land not to be occupied by Europeans or Americans without leave and will be taken from them.

SECTION III.—*Clause* 1*st.*—No British Subject or other Europeans, or Americans shall purchase, rent, occupy or possess, directly or indirectly, any land in the zillas subordinate to the presidency of Bombay without the sanction of the Governor in Council, and all such person, now holding such land, without having obtained such permission, or who may hereafter purchase,

rent, or occupy such land, shall be liable to be dispossessed of the same at the discretion of the Governor in Council; nor shall they be entitled to any indemnification for buildings which they may have erected, or on any other account.

they may receive lands in mortgage, but must not without leave collect the rents or manage the lands.

*Clause* 2*d.*—Europeans or Americans who are not forbidden to make loans to natives on the judicial and revenue establishments, to landholders or farmers of land, dependent talookdars, under farmers or ryots, or their sureties, may make such loans on the security or mortgage of lands or leases, but they shall not be allowed directly or indirectly to hold possession of the land, the usufruct or lease whereof may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenues of the lands, without the sanction of the Governor in Council.

Land permitted to be occupied by an European or American to be measured,

SECTION IV.—*Clause* 1*st.*—When an European or American shall under the provisions of the preceding section be permitted by the Governor in Council to purchase, occupy, or rent land in any zilla, it shall be measured by an officer to be appointed by the Collector; and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground.

and annual report of such occupancies to be made in detail to Govt.

*Clause* 2*d.*—The Collectors of land revenue shall transmit an annual statement on the 1st January of each year, specifying the names of the Europeans or Americans possessing or renting, or occupying land within their respective zillas, the extent of the land, the purpose to which it is appropriated, and from what period, and under what authority it is so held.

## CHAPTER III.

### RESTRICTIONS ON THE USE OF UNIFORMS AND BADGES.

No Persons without authority to dress any individual in a military uniform.

or a near imitation of it.

SECTION V.—*Clause* 1*st.*—All persons whosover (excepting such privileged persons as the Government may specially exempt from the operation of this enactment) are forbidden to dress any of their servants, official or private, or whether for the purpose of parade or of business, in a military uniform, or in a dress so nearly resembling any uniform prescribed for the army, as to enable the person wearing it to impose it on the country people as such.

no person without authority to wear such dress.

*Clause* 2*nd.*—All persons excepting those actually in the military service of the Company, or in the service of persons specially exempted as provided for in the first clause of this Section, are forbidden to wear such dresses as those prohibited in the said clause.

which will be taken from him by the magistrate to whom he will be sent by the police officers.

*Clause* 3*rd.*—The several local Magistrates are hereby authorized and required to deprive of a military dress any person who shall wear it contrary to this enactment; the local officers of police are also empowered and directed to apprehend all persons of the above description and to send them to the Magistrate, who will deal with them in the manner above prescribed.

Badges to be worn by official peons only, those of farmers being occasionally included.

SECTION VI.—*Clause* 1*st.*—No person shall be allowed to distinguish with badges his peons or other servants except such as may be employed in official establishments, among which farms of revenue are to be included only when specially permitted by Government.

Persons without authority wearing badges will be apprehended and deprived of them by the police.

*Clause* 2*d.*—The several Magistrates are empowered and directed to apprehend any person who shall wear a badge in opposition to the prohibition contained in the preceding clause, and to deprive him of it. The local officers of police are also authorized and directed to apprehend persons of the above description and to send them to the Magistrate by whom the offender will be dealt with as above described.

Offending Europeans and Americans will incur the displeasure of Govt. to whom the magistrate will report.

*Clause* 3*d.*—And further any European or American, not being a public officer to whom such description of public servants is allowed, employing badged peons or other description of servants wearing badges, contrary to this prohibition, will be liable to the severe displeasure of Government, on representation of the circumstances of the case by the Magistrate, who is directed to report all such instances for the information and orders of the Governor in Council.

(Miscellaneous Branch.)

## A. D. 1827. REGULATION XXIV.

A REGULATION *for restricting the establishment of printing presses and the circulation of printed books and papers.*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2*nd Jammadyool Akhir* 1242 *of the Hijree.*

(Miscellaneous Branch.)

# REGULATION XXIV. A. D. 1827.

A REGULATION *for restricting the establishment of printing presses and the circulation of printed books and papers.* PASSED *by the Governor in Council on the 1st January 1827, corresponding with 4th Paush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2d Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to guard against the evils which may be expected to arise from the unrestrained establishment of printing presses and circulation of printed books and papers, the following rules have therefore been enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

Presses must not be established without licences which may be recalled:

SECTION I.—*Clause 1st.*—No person shall keep or use within the territories subject to the Presidency of Bombay any instruments for printing without the sanction and licence, of the Governor in Council obtained as directed in the present section, and the Governor in Council reserves to himself the full power of recalling such licence whenever he may deem the measure suitable, in the manner denoted in this section.

Aplication how to be made for licence:

*Clause 2d.*—Any person desirous of keeping or using instruments for printing shall address a written application to the Magistrate of the Jurisdiction, specifying the name and profession, caste or religion, and place of abode of the applicant, and also of every other person who may be concerned as proprietor or publisher, and the place where, and purpose for which such printing is to be conducted, and the above particulars shall be verified by the oath or solemn declaration of any of the aforesaid persons whom the Magistrate may select.

The grant and recall of licences how to be conducted and notified.

*Clause 3d.*—The Magistrate shall then forward the said application (with a translation if it be not in the English language) to the Governor in Council, who will either grant absolutely or conditionally or withhold the licence, as to him may seem expedient, and the same shall be signified to the party by the Magistrate in writing; and a recall of the licence, if such should take place, shall also be communicated by the Magistrate by a written notice delivered at the place where the press is permitted to be used.

Printed works to contain the names of the printer and place, and copies to be delivered to the Magistrate who will send them to Government.

*Clause 4th.*—Every book or paper printed at a press licenced as above shall contain at the beginning and end in the same language and character as that used in the text the name of the printer, and place where printed, and a copy shall be immediately forwarded to the Magistrate, who will pay for it the price at which it may be offered to purchasers in general; and he shall forward such copy to the Chief Secretary to Government.

Breach of the preceding rules how punishable.

SECTION II.—*Clause 1st.*—Any breach of the rules prescribed in the 1st and 4th Clauses of the preceding section to be observed by persons keeping or using instruments for printing shall be punished with fine not exceeding one thousand (1000) Rupees, commutable to ordinary imprisonment for a period not exceeding six months.

Search for and confiscation of unlicenced instruments for printing books &c.

*Clause 2d.*—And it shall also be the duty of the Magistrate to search for under the rules contained in Regulation XII, A. D. 1827 Section IX. Clause 4th and seize all instruments and materials kept or used in breach of the said rules, together with any printed books

or papers found on the premises to be confiscated and disposed of as the Governor in Council may direct.

Circulation of printed books and papers how to be prohibited.

SECTION III.—*Clause 1st.*—It shall be lawful for the Governor in Council to prohibit the public circulation of any book or paper within the territories subject to the Presidency of Bombay, notice thereof being given by publication in the English, Mahratta and Goozeratee languages in the newspaper used for official advertisements, and similar notice being affixed at the Zilla Courts and Zilla Magistrate's Police kucheries of the districts to which the prohibition is to apply.

Punishment for breach of the above prohibition.

*Clause 2d.*—Any person who shall act in opposition to a prohibition so notified shall be punished with fine not exceeding one hundred (100) Rupees commutable to ordinary imprisonment during a period not exceeding two months for the first offence, and for every subsequent offence with fine not exceeding two hundred (200) Rupees, commutable to ordinary imprisonment during a period not exceeding four months,

Trials to be reported to the Governor in Council who may remit punishment.

SECTION IV.—All sentences under this Regulation shall be immediately reported with an abstract of the proceedings, evidence and pleadings in each case to the Governor in Council, who reserves to himself the power of remitting the whole or any part of the punishment adjudged, but execution thereof is not in the interim to be delayed.

(Miscellaneous Branch.)

## A. D. 1827. REGULATION XXV.

A REGULATION *for confinement of state prisoners, and for the attachment of the lands of chieftains and others for reasons of state*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2*d Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of two *(2)* Chapters, as below :


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION. |
|---|---|---|
| I. | *Rules for the apprehension and confinement of individuals as state prisoners* ... | I. |
| II. | *Rules for the attachment of lands for reasons of state and for removing such attachment* ..... ..... ..... | VII. |

(Miscellaneous Branch.)

## REGULATION XXV. A. D. 1827.

A REGULATION *for the confinement of state prisoners and for the attachment of the lands of Chieftains and others for reasons of state.*—PASSED *by the Governor in Council on the 1st January* 1827, *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2d Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS reasons of state, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals, against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council, and whereas the reasons above declared sometimes render it necessary that the estates and lands of Zemindars, Talookdars and others situated within the zillas subordinate to Bombay, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; the following rules have therefore been enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

### CHAPTER 1.

#### RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Mode of proceeding for placing individuals under restraint as state prisoners:

SECTION I.—*Clause 1st.*—When any of the considerations stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the Governor in Council, provided always that, with reference to the individual the measure shall not be in breach of British law, to cause such invidual to be apprehended in such manner as the Governor in Council may deem fit, and when apprehended to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

form of the warrant and authority which it confers, Appendix A.

*Clause 2nd.*—The warrant of commitment shall be in the form specified in Appendix A, and shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the zillas subordinate to Bombay.

Rules for the maintenance of the state prisoner.

SECTION II.—The Governor in Council shall fix such allowance for the support of the state prisoner as may seem to him expedient in reference to the prisoner's habits and rank in society, and shall specify at the same time through whose means it is to be paid and how it is to be applied.

Half yearly statements to be forwarded by the officer in charge of the prisoner.

SECTION III.—Every officer in whose custody any state prisoner may be placed, shall on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political Department, on the conduct, the health, and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

If the officer be a Magistrate the Judge on circuit may give directions regarding the prisoner, but their execution may be suspended by the Magistrate at his discretion.

SECTION IV.—*Clause* 1*st.*—When any state prisoner is in the custody of a Magistrate, the Judge on Circuit shall visit such state prisoner, on the occasion of the periodical Sessions, and shall have authority to issue any orders concerning the treatment of the state prisoner, which may appear to him advisable; but if any such orders should appear to the officer in charge of the prisoner to be inconsistent with the directions of the Governor in Council issued on that head, or with the safe custody of the prisoner, it shall be competent to him to suspend compliance, until he shall have referred the case to the Governor in Council and received his final instructions.

If the officer be not a Magistrate a special arrangement will be made to ensure periodical visits to the prisoner, and reports upon his health and treatment.

*Clause* 2*d.*—When any state prisoner is placed in the custody of any public officer not being a Magistrate, the Governor in Council shall instruct either the Magistrate, or the Judge on Circuit or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

The officer in charge shall also report particulars relative to the health and comfort of the prisoner,

SECTION V.—*Clause* 1*st.*—Every officer in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

and shall always forward the prisoner's representations with remarks.

*Clause* 2*d.*—The officer in whose custody any state prisoner may be placed, is to forward with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

The rules regarding state prisoners are applicable to all persons now confined as such.

SECTION VI.—The provisions contained in sections II, III, IV and V of this Regulation are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the zillas subordinate to Bombay.

# REGULATION XXV. A. D. 1827.

## CHAPTER II.

### RULES FOR ATTACHMENT OF LANDS FOR REASONS OF STATE AND FOR REMOVING SUCH ATTACHMENT.

Circumstances under which the lands of Zemindars and others may be attached by Government and mode in which the attachment will be promulgated.

SECTION VII.—Whenever the Governor in Council, for reasons of the nature of those specified in the preamble to this Regulation shall judge it necessary to attach the estates or lands of any Zemindar, Jageerdar, Talookdar or other person without any previous decision of a Court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and the Magistrate or other civil authorities of the district in which the lands or estates may be situated, and to the Sudder Adawlut.

Lands under attachment how to be managed by the Collector.

SECTION VIII.—*Clause* 1*st.*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the revenue department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor, provided however that any change may be introduced which the proprietor may desire, and which may not infringe on private rights nor appear objectionable to the Collector, and annual accounts of the management of the lands attached shall be furnished to the proprietor.

and how incapable of being sold—the proprietor's income how liable for debts.

*Clause* 2*d.*—Such lands or estates while so under attachment shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor, but the annual income or any portion of it may, if Government shall so direct, be applicable to the satisfaction of decrees of the Civil Court.

Attachment under what circumstances and how to be withdrawn, and accounts of collections and profits how adjusted.

SECTION IX.—Whenever the Governor in Council shall be of opinion, that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates, which may have accumulated during the attachment.

## APPENDIX. A.

*To the (here insert the Officer's designation.*

Whereas the Governor in Council for good and sufficient reasons, has resolved that (here insert the state prisoner's name) shall be placed under personal restaint at (here insert the name of the place) you are hereby ordered in pursuance of that resolution to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation XXV, A. D. 1827.

*By order of the Governor in Council,*
(Signed) A. B.
*Secretary to Government.*

BOMBAY CASTLE,
*day of* 18

(Miscellaneous Branch.)

## A. D. 1827. REGULATION XXVI.

A REGULATION *for the appointment and removal of Kazees, and for ensuring an efficient and regular discharge of their duties.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush* Sood *Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2d *Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of two (2) Chapters, as below.


| NUMBER OF CHAPTER. | TITLE. | COMMENCING SECTION. |
|---|---|---|
| I. | *Of the appointment, suspension, and removal of Kazees.* | I. |
| II. | *Of the duties and emoluments of Kazees*..... | V. |

(Miscellaneous Branch.)

# REGULATION XXVI. A D. 1827.

A REGULATION *for the appointment and removal of Kazees and for ensuring an efficient and regular discharge of their duties.*—PASSED *by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2d Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS in certain of the towns and pergunnas subordinate to the Presidency of Bombay the office of Kazee exists, and is necessary for the purpose of authenticating and recording marriages, attesting divorces, and assisting in various other religious rites and ceremonies amongst Mahomedans; and whereas the important uses of the office, more especially in furnishing the means of settling questions of inheritance and succession between Mahomedans, require that Rules, as well for the appointment and removal of Kazees, as for ensuring an efficient and regular discharge of the functions of their office, should be established and promulgated, the following Rules are accordingly enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

## CHAPTER I.

### OF THE APPOINTMENT, SUSPENSION, AND REMOVAL OF KAZEES.

Appointment of a Kazee,

SECTION I.—*Clause* 1*st.*—The Governor in Council may appoint Kazees in such towns or purgunnas as appear to require them, who shall hold their offices during good behaviour.

his sunnud,

*Clause* 2*d.*—Each Kazee shall receive a sunnud of appointment from the Governor in Council in the form contained in Appendix A.

and seal.

*Clause* 3*d.*—And he shall use a seal not exceeding one inch in length or breadth on which shall be inscribed in the Persian language, and also in such other language, as may be in general use in the district over which his duties extend, the following words, viz. "Seal of———, Kazee of the town" "(or purgunna, as the case may be) of———;" with the year of the Hijree in which such Kazee was appointed.

Suspension caused by commitment for a serious offence,

and dismissal by conviction,

being reported to Government.

SECTION II.—*Clause* 1*st.*—If the Kazee is committed to take his trial for any offence of a highly penal or disgraceful nature, he shall by such commitment be suspended from the exercise of his functions as Kazee, and if convicted, shall by such conviction be dismissed from his office, and in either case, an immediate report shall be made by the Judge of the Zilla in which he officiates, to the Governor in Council.

Misconduct of the Kazee to be reported by the Judge to Government.

*Clause* 2*d.*—If the Zilla Judge, whether from his own observation or from the complaint of others shall have strong reason to believe that a Kazee is rendered unfit to hold his office, either by gross negligence or misconduct in the discharge of his public duty, or by acts of profligacy in his private conduct, he shall report the circumstance to the Governor in Council.

which may order an investigation.

*Clause* 3*d.*—The Governor in Council, if he sees cause, may appoint the Judge on Circuit, or any other person a Commissioner with authority to call the Kazee before him and investigate the facts, and the Commissioner, after such investigation, shall report his proceedings and opinion on the case.

Vacancies to be reported to Government, which will supply them,

SECTION III.—*Clause* 1*st*.—When a Kazee is suspended from the exercise of his functions, or when a vacancy occurs in the office of Kazee from death, resignation, or dismissal, the Judge of the Zilla in which he officiates shall recommend to the Governor in Council a person duly qualified to supply such vacancy, either temporarily or permanently as the case may require, and the Governor in Council may either confirm such recommendation, or appoint another person as to him may seem fit.

unless the measure is unnecessary.

*Clause* 2*d*.—But the Governor in Council need not supply such vacancy, if local circumstances appear to render the office no longer necessary.

Kazees now officiating are duly appointed.

SECTION IV.—Such Kazees as may on this Regulation taking effect be acting under competent authority are to be considered to be duly appointed, in the same manner as if they had been appointed according to the provisions of Section I of this Regulation.

## CHAPTER II.

### OF THE DUTIES AND EMOLUMENTS OF KAZEES.

Kazees may appoint and remove Naibs who act under the same control.

SECTION V.—Kazees shall be at liberty to appoint Naibs to assist them in their functions, and to remove them at pleasure, and the said Naibs shall also be liable to removal or suspension by the same authority and by the same process as Kazees are subjected to in Section II of this Regulation.

Duties of the Kazee,

SECTION VI.—The duties of the Kazee shall comprise the attending, presiding at, or performing such ceremonies or forms relating to marriage and divorce, and to doctrinal or religious rites, as may be inculcated by the Mahomedan law.

his fees, how sanctioned and promulgated.

SECTION VII.—Kazees shall be entitled to receive such fees for performance of official acts as the Judge of the Zilla with the sanction of the Suddur Adawlut may determine: And a table of these fees shall be constantly fixed up in the Zilla Court, and in a conspicuous part of the building where the Kazee holds his office.

The Kazee must record under penalty marriage contracts and acts of divorce in a book,

SECTION VIII—*Clause* 1*st*.—Each Kazee shall keep a book, in which he shall enter all contracts of marriage and acts of divorce lawfully acknowledged before him or his Naibs, whether in writing or verbally; and he shall be liable to a penalty, not exceeding one hundred (100) Rupees, to be imposed by the Judge of the zilla for every such marriage-contract and act of divorce not so entered.

to be deposited in the Adawlut when ceases to be Kazee.

*Clause* 2*d*—On the death, or dismissal of a Kazee, the said book shall be delivered by him or his heirs to the Superintendent of the Register of the Zilla, for the purpose of being deposited with the General Register.

## APPENDIX A.

### FORM OF SUNNUD TO BE GRANTED TO A KAZEE.

To

A. B. Inhabitant of———— (L. S.)

In conformity with the provisions of Regulation XXVI, A. D. 1827, you A. B. are hereby appointed to the office of Kazee in the———— of————You will not be liable to be removed from your situation, while you discharge your duty with zeal and integrity under the rules contained in the Regulation which now are or hereafter may be in force.

*By Order of the Governor in Council,*
Signed, C. D.
*Secy. to Govt. in the Judicial Dept.*

BOMBAY CASTLE,
*day of* 18

A REGULATION *for abolishing the Zilla Court of Broach and for attaching the districts composing the Broach Zilla to the Zilla of Surat and Kaira.*—PASSED *by the Governor in Council on the* 16*th May* 1827, *corresponding with the* 6*th of Vaisack Vud Sumbut or Vikramajeet Era* 1883, *Salbahan* 1749, *and the* 19*th Shaval* 1242 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to substitute for the existing arrangement a plan by which the Zilla Court of Broach may be dispensed with the territories subject to its juridiction being partitioned between the Zillas of Surat and Kaira, the following rules have therefore been enacted, to have effect from the date of promulgation.

Rescission of enactments constituting the Broach zilla, which is abolished.

II—*First*—Such parts of Section II, Regulation II. of 1805, Section III, Regulation VI of 1817, and of any other enactments as provided for the appointment of a Judge of Broach and the formation of the Broach Zilla, are hereby rescinded, and the Broach Zilla, is hereby abolished.

The Northern Division annexed to Kaira, and the res to Surat.

*Second*—Of the territories which composed the Broach Zilla, the town of Broach, the river Nurbuda and the Islands therein, and the districts to the North of the river, are annexed to the Zilla of Kaira, and the remaining districts are annexed to the Zilla of Surat; the administration of civil and criminal justice, and all matters connected therewith except as otherwise specifically provided for in this Regulation being conducted according to the general Regulation.

*A register on the Kaira Establishment with Assistants and officers as required to remain in Broach.*

III—*First*—There shall be a Register and Assistant Criminal Judge of Broach with such subordinate Assistants as Government may sanction: they shall be borne upon the establishment of the Kaira Court.

Ameens.

*Second*—Such number of Ameens, and such establishment as may be found necessary, shall be placed at the disposal of the Register and Assistant Criminal Judge of Broach, by the Judge of Surat and Kaira respectively, according to the jurisdiction concerned.

The register has charge of the judicial buildings and records, which latter are however at the disposal of the Judges of Kaira & Surat.

IV.—*First*—The Register and Assistant Criminal Judge shall have charge of the judicial buildings of the late Broach Zilla and also of the civil and criminal records, but he shall furnish from time to time as may be required, original or transcribed extracts from those records to the Judges and Criminal Judges of Surat and Kaira, and he will also in civil matters generally be subordinate to the said Judges in common according as the territorial jurisdiction of either Court applies.

He files suits not exceeding Rs 1000.

*Second*—The Register shall file all suits for sums not exceeding rupees (1000) one thousand belonging to the districts which composed the Broach Zilla: suits for a higher amount shall be preferred respectively in the Courts of Surat and Kaira, and any such suits remaining undecided on the file of the Broach Adawlut will in like manner be transferred to the said Courts.

And tries them; he may refer to his Assistant suits not exceeding Rupees 500 and to Ameens suits not exceeding Rupees 100.

*Third*—The Register may, as authorized respectively by the Judges of Surat and Kaira, try all suits filed by him, and if he has one or more Assistants, suits not exceeding in amount rupees (500) five hundred may be referred by him as in like manner authorized to any such Assistant; and suits not exceeding in amount rupees (100) one hundred, to Ameens.

The Collector remains as Magistrate forwarding cases to Kaira and Surat.

V.—The Police of the Broach Collectorship (exclusive of the Suddur station) consisting of the districts, which composed the Broach Zilla, continues in the hand of the Collector as Magistrate, who will conduct the duties of the department as heretofore, except that he will forward cases beyond his cognizance to the Criminal Judge of Surat, or Kaira, according to the jurisdiction.

The Assistant Criminal Judges of Broach have police jurisdiction at Broach and serious cases are forwarded to Kaira.

VI.—The Assistant Criminal Judge of Brocah will exercise Police Jurisdiction at the Suddur station of the Broach Collectorship and cases beyond the Jurisdiction of the First Assistant will be forwarded to the Criminal Judge of Kaira.

Returns in the Native language to be made by the Register and Assistant Criminal Judges as required.

VII.—The Register and Assistant Criminal Judge of Broach will make such returns in the native language in the Civil Department, to the Judge of Surat and in the Civil and Criminal departments to the Judge and Criminal Judge of Kaira, as those officers may require, under the sanction of the Suddur Adawlut: he shall also in other respects, execute all orders of those officers according to the Regulations.

The Judge on circuit visits Broach for inspection and supervision.

VII.—The Judge on Circuit shall visit Broach for the purpose of exercising there the same powers of supervision and inspection as elsewhere.

# REGULATION XXVIII. A. D. 1827.

A REGULATION *for fixing the date from whence certain Regulations passed on the 1st January* 1827, *are to take effect.*

PASSED *by the Governor in Council at Bombay, on the 1st August* 1827, *corresponding with the 9th Shravan Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1749, *and 7th Mohurrum* 1243, *of the Hijree.*

Preamble.

WHEREAS on the 1st January 1827, twenty six (26) Regulations were passed, the several preambles to which provided that the said Regulations should take effect from "such date as "shall be prescribed in a Regulation to be hereafter passed "for that purpose," the following rules are therefore enacted to fulfil the object therein contemplated.

The Regulations of 1827, in force from the 1st September 1827 except such as relate to Stamps,

II.—*First.* The Regulations numbered from I to XXVI of 1827, in so far as not affected by Regulation XXVII of 1827, shall, with the exception of Regulation XVIII, and of any rules in the said Regulations which relate to Stamps, and with the exception also of any rescission of the rules heretofore existing on the subject of Stamps, take effect from the 1st September 1827 through the Bombay territories heretofore subject to the Regulations.

which will take effect on the 1st November 1827.

*Second.*—Regulation XVIII of 1827, and all other rules regarding Stamps in the Regulations of 1827 shall take effect from the 1st November 1827, when Regulation XIV of 1825, and any other Rules heretofore existing on the subject of Stamps will stand rescinded.

# REGULATION XXIX. A. D. 1827.

A REGULATION *for bringing under the operation of the Regulations, the Bombay Territories in the Deckan and Kandesh*—PASSED *by the Governor in Council of Bombay on the* 1*st August* 1827, *corresponding with the* 9*th Shravun sood* *Sumbut or Vikramajet Era* 1883, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and* 7*th Mohurrum* 1243, *of the Hijree.*

Preamble.

WHEREAS, subsequently to the conquest by the Company, of the Territories of the late Paishwa, in the Deckan and Kandesh, and the acquisition from other states by treaties and agreements of other Territories within the said Countries, the Governments of all the said Territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted, under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration; and whereas the Regulations for the Administration of the Bombay Territories have, in the mean time, been revised, and it has now been judged expedient to bring the Territories in the Deckan and Kandesh under the revised Regulations, being the first twenty six (26) Regulations of 1827, with certain modifications, the following rules have been enacted, to have effect from the 1st September 1827.

The revised Regulations and others subsequently passed, made applicable to the Deckan and Khandesh.

II.—*First*,—The first twenty-six (26) Regulations of 1827, with the exception of Regulation XVIII and of any enactments relating to Stamps, shall from the 1st September 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay Territories in the Deckan and Kandesh, consisting of the Zillas of Poona and Ahmednuggur, as described in Appendix A. to this Regulation; and the said Territories are hereby further brought under the operation of the Regulations, according as they may apply, to be passed from and after the 1st September 1827, for the government of the Territories subordinate to the Presidency of Bombay.

With the exception of Stamp Enactments, in lieu of which certain Fees are levied.

*Second.*—With reference to the Zillas of Poona and Ahmednuggur, it is hereby enacted, that the Fees on Law Proceedings hitherto levied in lieu of Stamp Duties, shall continue to be charged, until the provisions of Regulation XVIII of 1827, can be brought into operation.

Courts of Civil Justice are not to entertain suits against certain persons of rank.

III.—*First.*—With reference to the said Zillas, it is hereby enacted, that, in modification of the rules contained in Regulation II, A. D. 1827, Sections XXI and XXXVII, Clause 1st, suits against certain persons of rank, as herein-after specified, shall not come under the jurisdiction of the Civil Courts.

Of whom a list will be furnished to the Judge.

*Second.*—A list of the said persons of rank will be furnished by Government to the Judge, who will, on application, communicate the same to any person, who as Plaintiff or Defendant may shew, that his interest requires his being supplied with that information.

Suits against such persons will be tried by an Officer appointed for the purpose, who will have a list of them and corresponding instructions, and will afford information to those concerned.

IV.—*First.*—An Agent of Government shall be specially appointed for the purpose of receiving and trying, and deciding all complaints of a Civil nature, which would, under the ordinary rules, be cognizable by either of the Judges of Poona and Ahmednuggur, against any of the persons contemplated in the preceding Section: he shall be furnished with a list of the said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application, so much of the abovementioned information as such individual may shew to be important to his own interest.

The list and instructions, will comprise persons of three classes.

*Second.*—The list abovementioned shall comprise three (3) classes of persons of rank, and the instructions abovementioned shall provide three (3) several modes of procedure applicable respectively to each class of the said persons of rank.

The first class persons of the highest importance, on whom decrees cannot be executed without reference to Government, and an appeal from Government will lie to the King in Council.

V.—*First.*—Suits against the persons belonging to the first of the classes comprised in the Agent's list being individuals of the very first distinction and influence under the Paishwa's Government, on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the Agent; reference being had in the most ample degree to the privileges of the Defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom; and no decree against any such Defendant shall be enforced, until the suit and all proceedings thereon shall have been referred to the Governor in Council, (to whom also the plaintiff may appeal) who, as a special Superior Court for the adjustment of such suits, will pass such order thereon as he may deem just and equitable: an appeal to the King in Council being open to either party.

The second class persons next in importance whose suits may be appealed to Government and from Government to the King in Council.

*Second*—Suits against the persons belonging to the second of the classes comprised in the Agent's list being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Paishwa's Government, shall be conducted and tried by the Agent; reference being had in a great degree, and in conformity to former usage and custom, to the rank of the Defendant, his situation and privilages, under the Paishwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim, and the Defendant's liability: an appeal against the Agent's decision to the Superior Court of the Governor in Council; as above constituted, shall be open to either party: the petition of appeal shall be presented either to the Agent, or to Government, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit, and a final appeal to the King in Council shall be open to either party:

The third class persons of less importance than the foregoing, whose suits may be appealed to the Sudder Adawlut and from that Court to the King in Council.

*Third.*—Suits against the persons belonging to the third of the classes comprised in the Agent's list, being individuals inferior in rank to those of the classes previously described but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration, shall be conducted and tried by the Agent, in like conformity to usage and custom, with some relaxation of the rules of the General Regulations, and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes: an appeal to the Sudder Dewannee Adawlut, against the Agent's decision, shall be open to either party; the petition of appeal shall be presented either to the Agent or the Sudder Dewannee Adawlut, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed; the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit, with which view the instructions of the Agent, with regard to the defendant, shall be communicated by Government to the Sudder Dewannee Adawlut; and a final appeal to the King in Council shall be open to either party, under the rules contained in the General Regulations, with reference to such appeals from the decrees of the Sudder Dewannee Adawlut.

The Civil Courts in the Deckan have no jurisdiction.

VI.—With reference to the said Zillas, it is likewise enacted, in further modification of Section XXI, Regulation II, of 1827, and in modification of Section VI, Regulation XVI, of 1827, and Sections IX, XVI, XXXIV, and XLIX of Regulation XVII of 1827, that suits on the following subjects shall not be cognizable by the Civil Court.

In cases of damages for oppression under the former Government.

1*st.*—All claims for damages against persons in authority under the late Government, for abuse of power during that period:

In claims against Government on account of Enams.

2*nd.*—All claims against Government on account of Enams:

Jagheers, Wurshasuns, and other advantages not hereditary.

3*rd.*—All claims against Government on account of Jagheers, Wurshasuns, Pensions, Neemnooks and other advantages not hereditary:

In disputes regarding Revenue, or alleged exactions.

4*th.*—All disputes regarding public Rent or Revenue payable to Government and all complaints of exaction by Mamlutdars, or District or Village Officers:

Or, in disputes regarding village debts, boundaries &c.

5*th.*—All claims on accouut of village debts, all village boundary disputes, and disputes regarding the use of wells and water-courses.

Pleaders may be admitted to practice by a Committee presided over by the Judge.

VI.—*First.*—With reference to the said Zillas, it is further hereby enacted that, in modification of the rules contained in Regulation II, A. D. 1827, Section XLVIII, the Judge of the Zilla shall be equally empowered with a Judge of the Sudder Adawlut to preside in a committee, to examine pleaders and to grant certificates of qualification for practice in his Court: that, in modification of the rules contained in Regulation II, of 1827, Section XXVIII, Clauses 5th and 6th, the Judge may refer to his Senior Assistant, suits not exceeding in amount Rupees ten thousand (10,000,) and to his Junior Assistant, suits not exceeding in amount Rupees five thousand (5,000) and that, under the circumstances stated in Clause 6th, Section XXVIII, Regulation II, A. D. 1827, the Governor in Council may authorize suits not exceeding in amount Rupees twenty

Senior Assistants may try suits extending to Rupees 10,000 and Junior Assistant Rupees 5,000.

And in certain cases a Senior Assistant may be empowered to try suits of Rupees 20,000 and appeals from Junior Assistant.

thousand (20,000) as well as the appeals from the decisions of a Junior Assistant, as therein specified, to be referred to a Senior Assistant.

And appeals from a native Commissioner may always be referred to a Senior Assistant.

*Second.*—That in modification of the rules contained in Clause 1st, Section LXXII, Regulation IV, A. D. 1827, it shall at all times be competent to the Judge to refer to a Senior Assistant, appeals from the decisions of Native Commissioners, and that, in modification of the provisions of Clause 3rd of the said Section, the amount, (found as prescribed in the said clause) which shall confer a right to an appeal to the Sudder Adawlut from the decree of the Judge, reversing or modifying an original decree passed by a Senior Assistant, shall be Rupees one thousand (1,000.)

A regular appeal will not lie from the decree of a Judge against a Senior Assistant's original decree unless the Judge's reversal or modification extend to Rupees 1,000.

*Third.*—That, in modification of the 3rd Clause of Section LXI, Regulation IV of 1827, the decrees of the Civil Courts shall not be enforced for a period of thirty (30) days subsequently to their being passed.

Enforcement of decrees must be thirty (30) days after the decision.

## REGULATION XXIX. A. D, 1827.

# APPENDIX A.

*(See Section II, Clause First.)*

*Territorial description of the Zillas in the Deckan and Khandesh, established under the Presidency of Bombay, formed of conquests from the Paishwa (Proclamation of Occupation 11th February 1818) and cessions from Holkar (treaty 6th January 1818), Sindia (treaty 6th February 1820,) and the Nizam (treaty 12th December 1822.)*

## ZILLA OF POONA.

The Two (2) turufs Havelee-Poona and Kuryat-Mawul.

The fifteen (15) following villages of the turuf Kairoo Barra, viz.

| | |
|---|---|
| 1 Seurey, | 9 Khetcowla, |
| 2 Kondunpoor, | 10 Koombosee, |
| 3 Kullian, | 11 Gavurdurrey, |
| 4 Rahtowrey, | 12 Gogulwara, |
| 5 Ombrey, | 13 Kaumthurree, |
| 6 Arvee, | 14 Khair Sewapoor. |
| 7 Dewrey, | 15 Kelwur. |
| 8 Kamsey, | |

The three (3) following villages of the turuf Moosa Khora, viz.

| | |
|---|---|
| 1 Jamlee, | 3 Sangroon. |
| 2 Sonapoor, | |

The three (3) following villages of the turuf Moota Khora, viz.

| | |
|---|---|
| 1 Ambegaum, | 3 Ambee. |
| 2 Bhowlee, | |

The two (2) following villages of the turuf Kanud Khora, viz.

| | |
|---|---|
| 1 Vinjer, | 2 Antrolee. |

The village of Aptee, turuf Hirdus Mawul.

The eighteen (18) turufs, Sandus, Pautus, Panbul, Mahaloonga, Owsirree, Khair, Chakun, Gora, Warra, Ambegaum, Juneer, Wotoor, Ala, Bela, Murkhora, Kokutneer, Minneer, and Naraingaum.

The ten (10) following villages of the turuf Kurda, viz.

| | |
|---|---|
| 1 Ambee, | 6 Bhaugree, |
| 2 Khamboree, | 7 Aldurrey, |
| 3 Burradee, | 8 Lingdee, |
| 4 Lowkee, | 9 Ghasgaum, |
| 5 Nandoor Kundoomal. | 10 Peempulgaum Joga. |

The three (3) turufs, Under Mawul, Nanee Mawul and Pour Khorey.

The thirty two (32) following villages of the turuf Pown Mawul, viz.

| | |
|---|---|
| 1 Kuroonj, | 9 Kurdey, |
| 2 Ambegaum. | 10 Sirowlee. |
| 3 Poosanee, | 11 Ghewundee Alwun, |
| 4 Chandkher, | 12 Aptee, |
| 5 Keeley, | 13 Kauter Kurruk, |
| 6 Sheotee, | 14 Mullowlee, |
| 7 Sindgaum, | 15 Shewlee, |
| 8 Pawley, | 16 Aridew, |

| | |
|---|---|
| 17 Shewnee, | 25 Reehey, |
| 18 Bower, | 26 Pauchaney, |
| 19 Thoogaum, | 27 Bersee, |
| 20 Purdowree, | 28 Budowlee, |
| 21 Mahagaum. | 29 Arrey, |
| 22 Koosgaum, | 30 Oorsee, |
| 23 Yelsee, | 31 Gotowra, |
| 24 Beburwohol, | 32 Adaley Khoord. |

The three (3) turufs, Kurree-Puthar, Sassor and Soopa.

So much of the two (2) turufs, Neer Thurree and Seerwul as lies North of the Neera river.

The six (6) turufs, Indapoor, Baramuttee, Mohol, Oondurtuppa to the West of the Seena river Bhoosey and Teimboornee.

The four (4) following villages of the turuf Kurkumb, viz.

| | |
|---|---|
| 1 Goorsally, | 3 Kuroley, |
| 2 Baudulkot, | 4 Oojenee. |

The two (2) following villages of the turuf Kathee, viz.

| | |
|---|---|
| 1 Sorstee, | 2 Shunkurgaum. |

The three (3) turufs, Sholapoor, Ahirwaree and Mundroop.

The five (5) following villages denominated the Summut Phootgaum, viz.

| | |
|---|---|
| 1 Undal, | 4 Darphul, |
| 2 Mooranchee, | 5 Mungrool. |
| 3 Nerkher, | |

The seven (7) turufs, Indee, Taumba, Hiperga, Julwud-Kokutnoor, Almela, Burdool, and Ooklee.

The three (3) following villages of the turuf Havelee Beejapoor, viz.

| | |
|---|---|
| 1 Ookmunhal | 3 Ahleabad. |
| 2 Kowlga | |

The four (4) following villages of the turuf Hortee, viz.

| | |
|---|---|
| 1 Ranjunhal, | 3 Teelihal, |
| 2 Minchanhal, | 4 Kyatilkeery. |

The Kusba of Sindghee.

The six (6) following villages of the turuf Honwar, viz.

| | |
|---|---|
| 1 Jaleehal, | 4 Arahullee, |
| 2 Ramteerut, | 5 Kulkowteghee, |
| 3 Yeteenhal, | 6 Ghonusghee, |

The seven (7) following villages of the turuf Antee, viz.

| | |
|---|---|
| 1 Arulhuttee, | 5 Bulgheree, |
| 2 Ubeehal, | 6 Sumbarga, |
| 3 Tungurree, | 7 Bemunhal. |
| 4 Mungsoola, | |

The two (2) following villages of the turuf Hulsinghee, viz.

| | |
|---|---|
| 1 Bhutgoonkee, | 2 Goteehal. |

The six (6) following villages, viz.

| | |
|---|---|
| 1 Awurkor, | 4 Teengnee Beedree, |
| 2 Heeney Pursulghee, | 5 Hongalhullee, |
| 3 Soorpal, | 6 Karjol. |

The two (2) turufs, Talicotta and Nalitwaur.

The kusba of Bhaghewaree and the two (2) villages of Musbinhal and Yerwaul.

The four (4) following villages in the turuf Mohumudpoor, viz.

| | |
|---|---|
| 1 Jynapoor, | 3 Oopuldinnee, |
| 2 Boodenee, | 4 Goorodhal. |

The village of Bhaganuggur, turuf Sednak.

The seven (7) following villages of the turuf Chimulghee, viz.

| | |
|---|---|
| 1 Disalkop, | 5 Ghurree, |
| 2 Mijurkop, | 6 Liklewaree, |
| 3 Mookarteehal, | 7 Maundghee. |
| 4 Golsinghee, | |

## REGULATION XXIX. A. D. 1827.

# ZILLA OF AHMEDNUGUR.

*(Ahmednugur Collectorship.)*

Barsee Panch Muhals.

The Paishwa's share of the purgunna Dokey.

The village of Wagholey in the Dharoor purgunna.

So much of the purgunna Havelee-Purinda as lies West of the Seena river, and the village of Sonaree to the East of the said river.

The two (2) purgunnas of Jamkhair and Wanghee.

The Paishwa's share of Praunt Kurrewureet and that part of the Nizam's share which lies West of the Seena river.

The Paishwa's share of the Ashtee purgunna and the turuf Manoor.

The two (2) turufs, Nuggur Havelee and Ranjungaum.

The purgunna Parnair.

The nine (9) following villages in turuf Belhey, viz.

| | | |
|---|---|---|
| 1 Dowulgaum, | 4 Babra, | 7 Ookurgaum, |
| 2 Orngaum, | 5 Kolgaum, | 8 Eesapoor, |
| 3 Kurnjowna, | 6 Seedoree, | 9 Andulgaum. |

The two (2) purgunnas of Kurdah and Neywassa, except the village of Julkey.

The two (2) turufs, Ganjih-Bhoeera and Wawrud.

The purgunna Baragaum Nundoor.

The Paishwa's share of the two (2) purgunnas Byzapoor and Gandapoor, together with the village of Taklee.

The purgunna Sungumnair together with the three (3) Kusbas of Rhateh, Phooltamba and Whawa.

The thirteen (13) purgunnas Dandurphul, Kotool, Ankola, Sinnur, Khoombaree, Patoda, Nassik, Trimbuk, Waghera, Wunnee, Deendoree, Shewgaum and Chandor.

*(Khandesh Collectorship.)*

The thirteen (13) purgunnas, Lulling, Songher, Nher, Amulner, Betawud, Dhangree, Gurondol, Jullod, Chundshuhr, Bhurgaum, Bhal, Ootran and Muswa.

The purgunna Pachora which belongs to Sindia, but is governed by the British.

The turuf Lohara-Havellee which belongs to Sindia, but is governed by the British.

The turuf Sangwee in the Lohara purgunna.

The five (5) purgunnas, Sendoornee, Chaleesgaum, Rajdesh, Mahombaraee and Manikpoory.

The eighteen (18) following villages of the Kunnur purgunna, viz.

| | |
|---|---|
| 1 Rolter, | 10 Kunedee, |
| 2 Rohilla, | 11 Julgaum, |
| 3 Porkree, | 12 Jamdee, |
| 4 Mulligum, | 13 Toonvuney, |
| 5 Champaneer, | 14 Pullasgaum, |
| 6 Heengunney, | 15 Malpoor, |
| 7 Nyadomgree, | 16 Vetulpoor, |
| 8 Sahkegaum, | 17 Mukrundurpoor, |
| 9 Kudrey, | 18 Nursingpoor. |

The two (2) Kusbas of Ranjungaum and Jateygaum.

The twenty four (24) purgunnas, Galna, Chikulwal, Tokrah, Jorgah, Lohonair, Wakaree, Sandus, Jaytepoor, Pissol, Tilwur, Koralee, Otoor, Pala, Hutghur. Kunnassee, Pimpla, Pimpulnair, Dhywul, Warsa, Bhamain, Nowapoor, Nundoorbar, Sooltanpoor and Kokurmoonda.

The three (3) Kusbas of Pankera, Oomurputta, and Chowpala.

The principality of Akranee.

## REGULATION XXIX. A. D. 1827.

The purgunna of Choprah which belongs to Sindia, but is governed by the British.
The two (2) purgunnas of Thalner and Amba.
The Kusba of Sindwa.
The purgunna of Yawul which belongs to Sindia, but is governed by the British.
The two (2) purgunnas of Arawud and Sowda.
The village of Changdeo.
The purgunna of Rawer including the turuf of Pal.
The four (4) purgunnas of Nusserabad, Jamnair, Bhoodwur and Bornar.

# REGULATION XXX, A. D. 1827.

A REGULATION *enacting certain modificatians of Regulations XII, XIII, XIV and XV of* 1827 *with reference to the Zillas of Poona and Ahmednuggur.*—PASSED *by the Governor in Council at Bombay on the* 1st *August* 1827, *corresponding with* 9th *Sharavun Sood Sumbut or Vikramajeet Era* 1833, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and* 7th *Mohurrum* 1243 *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient that certain modifications should be made in Regulations XII, XIII, XIV and XV of 1827 with reference to the Zillas of Poona and Ahmednuggur, the following Rules have been enacted to have effect from 1st September 1827.

The Collector in the Zillas of the Dekhan and Khandesh as magistrate of the Sudder Station, as well as the rest of the Collectorship.

II.—*First.*—With reference to the Zillas of Poona and Ahmednuggur, it is hereby enacted, that in modification of the provisions of Regulation XII. A. D. 1827, Sections I. II and III, the Collector shall have charge of the Police at the Sudder Station, and that as the Zilla of Ahmednuggur comprizes the two Collectorships of Ahmednuggur and Khandesh, each Collector, as Zilla Magistrate of his own Collectorship, shall also have charge of the Police at its Sudder Station, and shall be stiled "Magistrate of the Dekhan (or "Khandesh) division of the Zilla of Ahmednuggur," his official seal being inscribed accordingly.

His penal jurisdiction: fine, imprisonment with labour for two years, flogging 30 stripes and personal restraint singly or combined:

he also always commits offenders for trial at the Sessions.

*Second*—That in modification of the provisions of Regulation XV of 1827, Section XV, Clause 2d, and Regulation XII of 1827, Section XIII, the penal jurisdiction of the Magistrate shall extend, under the former enactment, to fine and imprisonment for two (2) years, and under the latter enactment, to fine, ordinary imprisonment with hard labour for two (2) years, flogging not exceeding thirty (30) stripes, and personal restraint, any of which may be combined, and that it shall be a regular part of his permanent duties to commit offenders for trial at the Sessions, as described in Regulation XII, A. D. 1827, Section XIII, Clause 3d.

The Session Judge performs the functions of the Criminal Judge, Court of Circuit, and Special Court.

III.—*First.*—With reference to the two abovementioned Zillas, it is hereby enacted, in modification of the provisions of Regulation XIII. A. D. 1827, Section XIII, that the functions of the Criminal Judge, the Court of Circuit, and the Special Court, as therein enacted, shall, subject to the modifications described in the succeeding provisions of this Regulation, be united in the person of the Judge, who shall, in the exercise of those functions, be denominated "Session Judge," the designations of his Assistants being also regulated accordingly.

His seal,

*Second,*—The seal of the Session Judge shall be two inches in diameter, and shall bear in the English and Mahratta languages and characters the following inscription, "*The Session Court of*———." The penal jurisdiction of the Session Judge shall extend to the adjudging of capital punishment, provided however, that any case in which he shall pass Sentence of capital punishment, or of imprisonment for a longer period than seven (7) years, shall be re-

The Session Judge may pass sentence of capital Punishment, but in such case or in a case of imprisonment for more than seven years, must refer to the Sud-

dur Foujdaree Adawlut:

ferred to the Suddur Foujdaree Adawlut for its final orders, in the mode described in Clause 2d of Section XIII, Regulation XIII of 1827: the Assistants to the Session Judge shall not possess penal jurisdiction, but it shall be competent to the Governor in Council, during the absence of the Session Judge, to confer in the mode prescribed by Clause 4th of the above quoted Section, on the Assistant of highest rank on the spot, such penal jurisdiction, not exceeding that of the Session Judge, as Government may deem expedient.

his Assistants have no penal jurisdiction, but such as is thought fit, may in his absence, be conferred on an Assistant:

The Session Judge may try Perjury alleged to have been committed before him, but before punishment the trial must be referred to the Suddur Foujdaree Adawlut.

IV.—With reference to the Zillas of Poona and Ahmednuggur, it is hereby provided, in modification of the Rule contained in Regulation XIV, Section XVI, Clause 3d, that the Session Judge may try Perjuries, charged to have been committed before himself, but that no Sentence of punishment passed in such a case shall be enforced, except as confirmed by the Suddur Foujdaree Adawlut, to which Court the trial shall be referred in the mode prescribed for other trials requiring reference to the Suddur Foujdaree Adawlut.

The Session Judge's Court, while at the Suddur Station, is constantly sitting:

V.—The Court of the Session Judge, when not occupied in the half yearly Session herein-after enacted, will sit constantly at the Suddur Station, for the trial of offenders.

it also holds half yearly Sessions at Sholapore or Dhoolia.

VI.—The Session Judges of Poona and Ahmednuggur shall hold half yearly Sessions at Sholapoor and Dhoolia, respectively, under the Rules applicable to Courts of Circuit, the said Sessions shall be held twice a year, and shall commence on the 1st November and 1st May, or as soon after as may be conveniently practicable. The Session Judges of Poona and Ahmednuggur shall each have an Assistant (or Assistants according to the established rules of subordination) stationed, respectively, at Sholapoor and Dhoolia, who shall, (the one throughout such districts of the Poona Zilla as Government may direct, and the other throughout the territories composing the Khandesh Collectorship as specified in Appendix A to Regulation XXIX of 1827) disharge "the duties of the Criminal Judge connected with the Court of Circuit," as described in Chapter III, Regulation XIII, A. D. 1827; he shall also perform such duties as the Session Judge may enjoin in the preparation of cases, and in all other matters connected with his office.

where Assistants are stationed to perform the duties of "Criminal Judge connected "with the Court of "Circuit."

The Session Judge may give instructions to the Magistrate relative to cases for the Session:

VII.—*First*—In modification of the Rules contained in Regulation XIII of 1827, Section XVI, XVII, XIX, and XX, it is hereby enacted, that the authority of the Session Judge over the Zilla Magistrate shall extend only to give instructions, with reference to the preparation of cases brought before him, to which the Magistrate will attend,

and enquire into the cases of persons confined otherwise than on sentence, referring the cases, if necessary, to Government:

and to inquiring into the cases of persons confined by the Magistrate otherwise than under Sentence on conviction, when, if he should differ in opinion with the Magistrate, the question shall be referred to the Governor in Council, who will pass such orders thereon as he may deem expedient.

*Second.*—The Session Judge is further authorized to receive complaints against the Magistrate in matters of importance, he shall take the complainant's oath and examine him as to the truth of his statement, when, if there should be reason to believe that serious cause of complaint exist, he shall refer the matter to the Governor in Council, who will adopt such further proceeding as the case may seem to require.

he may also receive complaints against the Magistrate, and if necessary, report to Government.

VIII.—In modification of the Rules contained in Regulation XIII of 1827, Chapter V, the Suddur Foujdaree Adawlut's authority shall, with reference to the Magistrates and Session Judges of the Poona and Ahmednuggur Zillas, consist in the passing final judgment and orders in cases referred to it under Section II, Clause 1st, the calling for proceedings and documents in cases tried by the Magistrate or Session Judge, which those officers shall furnish whenever required, the annulling or mitigation of Sentences passed by them, and the recommending to Government, whenever deemed expedient, the annulling or mitigation of Sentences which the said Court cannot annul or alter, the Suddur Foujdaree Adawlut shall also receive such Periodical Returns as the Magistrates and Session Judges may be instructed by Government to furnish: it shall also be the duty of the Suddur Foujdaree Adawlut to transmit to Government such Reports and Returns on Criminal Justice, as administered in the Zillas of Poona and Ahmednuggur, as Government may require, and generally to afford information and offer suggestions connected with that subject, and with the public welfare.

The Suddur Foujdaree Adawlut shall pass final judgment in cases referred:

and may revise cases tried by the Magistrate and Session Judge, and annul or mitigate their sentences: or recommend the same to Government.

it shall receive and furnish reports and afford information as directed and required by Government.

IX.—The Governor in Council reserves to himself full power to grant indemnities, pardons, and mitigations as authorized by the Regulations, in all cases in which he may deem it expedient.

which is further vested with full power to grant indemnities, pardons and mitigations.

# REGULATION XXXI. A. D. 1827.

A REGULATION *to explain the principles on which the introduction of the rivised Code of Regulations is to be effected:*—PASSED *by the Governor in Council at Bombay, on the* 1st *August* 1827, *corresponding with the 9th Shravun Sood Sumbut, or Vikramajeet Era* 1883, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and 7th Mohurrum* 1243 *of the Hijree.*

Preamble.

WHEREAS it has been enacted by Regulations XXVIII, XXIX and XXX of 1827, that the rivised code of Regulations numbered from I to XXVI of 1827, with certain alterations, modifications and exceptions, is to commence operation on the 1st September 1827, throughout the Zillas subordinate to Bombay in Guzerat, the Konkans, the Dekkan, and Khandesh ; and whereas it is necessary to declare the principles on which the commencement of the operation of the new Regulations is to be conducted, the following rules have therefore been enacted.

Public officers appointed and qualified to the 1st September to be held duly qualified.

II.—*First.*—All Public Functionaries, European and native, in the Judicial Department, inclusive of Superintendents of Military Bazars, and in the Revenue or Commercial Departments, filling offices and charged with duties to the 1st September 1827, under the Regulations, as regards the Presidency and the Zillas of Guzerat and the Konkans, and under the orders of Government, as regards the Dekkan and Khandesh, are hereby declared to be duly appointed and qualified to act under the new Regulations, in the same way as if they had been appointed and qualified under the Regulations of 1827.

But the designations, Register and Assistant Register, in the Zilla Courts, are abolished.

*Second.*—But Registers and Assistant Registers of Zillah Courts will, from the abovementioned date, in supercession of their present designations, be stiled in the Civil Department "Senior and Junior Assistant Judges" and in the Criminal Department in Guzerat and the Konkans, "Senior and Junior Assistant Criminal Judges" and Moonsiffs in the Zillas of the Dekkan and Khandesh, will also in supercession of their present designation be stiled "Commissioners."

Also that of moonsiffs.

Pleaders duly practising to the 1st September are held to be qualified.

*Third.*—All pleaders authorizedly practising in the several Courts to the 1st September 1827, are hereby declared to be duly qualified to act under the new Regulations, in the same way as if they had been duly appointed under Section XLVIII, Regulation II, or Section VI, Regulation XXIX of 1827.

The limits of Suddur stations until marked according to the new Regulations, to be taken as at present.

*Fourth.*—The limits of the Suddur stations of Zillas subject to the police jurisdiction of the Criminal Judges of Guzerat and the Konkans shall, until marked out as provided by Regulation XII of 1827, Section II, clause 1st, be held to be as recognized, to the 1st September 1827.

And marked cantonments deemed to have been laid down according to the new Regulations.

*Fifth.*—The limits of Military Cantonments, duly marked under the provisions of Regulation III of 1826, throughout the Zillas of Guzerat, the Konkans, the Dekkan, and Khandesh, shall be held to be the legal limits, in the same way as if they had been marked out under the provisions of Regulation XXII of 1827, Section XXI, clause 1st.

Suits and cases in progress to be conducted according to the new Regulations, but the Suddur Adawlut may direct otherwise for good reasons.

*Sixth.*—All Civil and Criminal proceedings in progress, to the 1st September 1827, will continue before the authorities taking cognizance of them, and will be further conducted according to the rules contained in the Regulations of 1827, but the Suddur Adawlut shall have authority to direct this course to be deviated from, whenever the said Court shall consider it to be attended with great inconvenience, or with injustice to any one; and it will be the duty of subordinate authorities to refer all doubtful cases of this nature to the Suddur Adawlut, for its instructions.

(Revenue Branch.)

# REGULATION XXXII, A. D. 1827.

SUPPLEMENT 1st TO REGULATION XIX, OF 1827.

A REGULATION *for increasing the Taxes on Carriages and Horses at the Presidency, made with the sanction of the Court of Directors of the United Company of Merchants of England, Trading to the East Indies; and with the approbation of the Board of Commissioners for the affairs of India, and*—PASSED *by the Governor in Council at Bombay, on the 3rd September* 1827, *corresponding with the 13th Bhadrapud Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and 10th Suffer* 1243 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient that the Taxes hitherto levied on Carriages and Horses at the Presidency should be increased, the following Rules for that purpose have been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England Trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the date of promulgation.

Former enactment resccinded.

SECTION I.—*Clause 1st*—Clause 1st, Section XXIV, Regulation XIX, A. D. 1827 is hereby rescinded.

Rates of Assessment on carriages & draft cattle.

*Clause 2nd.*—The Taxes on Carriages and Horses used on the Island of Bombay shall in future be assessed and levied according to the following Rates:

On every four Wheel Carriage, four (4) Rupees per month:

On every two Wheel Carriage on Springs, three (3) Rupees per month:

On every two Wheel Carriage without Springs, except such as are drawn by Bullocks, two (2) Rupees per month:

On every two Wheel Carriage used for Riding and drawn by Bullocks, one Rupee and a half per month:

On every two Wheel Carriage used for carrying Loads and drawn by Bullocks if the Wheel be of the breadth of two Inches and a half, one quarter of a Rupee per month.

If the Wheel be narrower than above specified, three quarters of a Rupee per month.

On every Riding Horse, one Rupee and a half per month.

[Revenue Branch]

# REGULATION XXXIII, A. D. 1827.

## [SUPPLEMENT I, TO REGULATION XXI OF 1827.]

A REGULATION *for modifying the provisions in force regarding the Duty levied, and Drawback allowed on Tobacco imported into, or exported from the Presidency of* Bombay, *or the Zillas subordinate thereto, and the amount of Duty leviable on Spirits manufactured or imported within the said Presidency or Zillas, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the* Board *of Commissioners for the affairs of India, and*—PASSED *by the Governor in Council at* Bombay *on the 3rd September* 1827, *corresponding with the 13th Bhadrapud Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and 10th Suffur* 1243 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to revise and modify the existing Rules regarding the amount of duty levied and drawback allowed on Tobacco imported into or exported from the Presidency of Bombay or the Zallas subordinate thereto, and regarding the duty leviable on Spirits manufactured or imported within the said Presidency or Zillas, the following Rules have therefore been enacted by the authority of the Governor in Council with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies; and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the date of promulgation.

The former rates of Taxes on Tobacco abolished.

SECTION I.—*Clause 1st.*—The rates of duty hitherto leviable on Tobacco, both at Bombay and in the subordinate Zillas, are hereby rescinded, and the following Rules are enacted in substitution.

Tobacco to pay import duty at Bombay.

And when removed, Rupees 3 per Bombay maund.

*Clause 2nd* —Tobacco imported into Bombay having paid the established Customs of the port and been warehoused, shall on being delivered out for interal consumption or for exportation, be liable to a duty of Rupees (3) three per Bombay maund, and no drawback shall be allowed except on exportation to the United Kingdom.

Drawback on export to the United Kingdom.

Duties at subordinates to be regulated on similar principles.

*Clause 3rd.*—The same duty of Rupees (3) three per Bombay maund, payable once, either on export or import, whichever may first take place, shall be levied on Tobacco at every port within the Zillas subordinate to Bombay, in addition to the established Customs at such port respectively.

And when paid at one port, Tobacco may be imported free at another port.

*Clause 4th.*—Tobacco having once paid at any British port the full amount of Duty and Customs leviable under Clause 2nd or 3rd, whichever may be applicable, shall be exempt from the payment of any additional duty, at any other British port, either on Import or Export.

The rates of duty on Spirits rescinded,

SECTION II.—*Clause 1st.*—The rates of duty hitherto leviable on Spirits, both at Bombay and in the Zillas subordinate thereto, are hereby abolished, and the following Rules are enacted in substitution.

Spirits pay as Government direct within 1-1-40 per Gallon.

*Clause 2nd* —The duty on Spirituous Liquors manufactured at the Presidency of Bombay, according to the Rules duly enacted on that subject, or in any of the Zillas subordinate thereto, according to the provisions of Chapter XI, of Regulation XXI, A. D. 1827, or import-

ed at Bombay or (consistently with the provisions of Section LXV, Clause 1st of Regulation XXI, A. D. 1827,) into any of the Zillas subordinate thereto, shall be regulated by the orders of Government, for each place respectively, but shall in no case exceed one (1- 1- 40) Rupee one quarter and forty Reas per Gallon.

Importations of Spirits from British ports to what duties subject.

*Clause* 3*rd*.—Spirits having paid at any British port the duty leviable under Clause 2nd of this Section, in addition to the established Customs of such port, may be imported free of any additional duty into any other British port, unless the duty paid under Clause 2nd of this Section be lower than that established under the said Clause at the port of import, in which case the difference shall be paid.

(Revenue Branch.)

# REGULATION XXXIV, A. D. 1827.

*(SUPPLEMENT I, TO REGULATION XVII. A. D. 1827.)*

A REGULATION *for vesting the Nawab of Surat with more extensive powers in compelling payment of his dues from his tenants and cultivators*—PASSED *by the Governor in Council at Bombay, on the 24th September* 1827; *corresponding with the 3rd Asvin Sood Sumbut or Vikramajet Era* 1883, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and 2nd Rubee ul avul* 1243, *of the Hijree.*

Preamble.

WHEREAS the authority secured to the Nawab of Surat, by Regulation XVII, of 1827; Section XXIX, Clause 2nd, to confine his defaulting tenants and cultivators for a period not exceeding thirty (30) days, in order to enforce payment of his rent, appears inadequate to the object in view, the following rules are therefore enacted, to take effect from the date of promulgation.

The Nawab of Surat may imprison his defaulting tenants and cultivators until his demands are satisfied; and also attach & sell a defaulter's property within certain limitations

SECTION I.—So much of Clause 2nd, Section XXIX, Regulation XVII, of 1827; as limits to thirty (30) days the period during which the Nawab of Surat may confine his defaulting tenants and cultivators is hereby rescinded, and the Nawab is hereby impowered to hold the said defaulters in confinement continuously, or at intervals, until his demands shall be satisfied; authority to attach and sell a defaulting tenant's property with the limitation prescribed in the concluding part of Clause 2nd, Section LXII, Regulation IV, of 1827, being likewise vested in His Excellency.

(Branch of Civil Judicature.)

# REGULATION I. A. D. 1828.

(SUPPLEMENT 1. TO REGULATION XXVII OF 1827.)

A REGULATION *for rendering the designation and duties of the Officers employed under Regulation XXVII, of* 1827, *in the Civil Administration of the Broach Collectorship, conformable to the* Rules *of the revised* Code *of Regulations and declaring the substitution of the said* Code *for the Regulation issued previously to* 1st *January* 1827.—PASSED *by the Governor in Council of Bombay on the* 17*th of January* 1828, *corresponding with the* 1st *Maha* Sood *Sumbut or Vikramajeet Era* 1884, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and* 29*th Jummadee Ulakhur* 1243 *of the Hijree.*

Preamble.

WHEREAS it is requisite to specify the degree in which the Rules of Regulation XXVII of 1827, in the Department of Civil Justice, are maintained in force under the operation of the revised Code of Regulations, and to declare the substitution of the said Code for the Regulations issued previously to 1st January 1827, the following rules have therefore been enacted, to have effect from the date of promulgation.

The rules of Regulation XXVII of 1827, prescribing the designation of the Register of Broach, his Assistants and Ameens, rescinded.

SECTION I.—*Clause* 1*st.*—So much of Regulation XXVII of 1827, as fixes the official designation of the Register stationed at Broach, as well as his Assistants, and Ameens, is hereby rescinded.

Register and Assistant to be styled Senior and Junior Assistants.

*Clause* 2*nd.*—The Register stationed at Broach, and his Assistants, will, in supercession of these designations, be styled, according to their appointments, Senior and Junior Assistant Judge.

Ameens to be styled Native Commissioners.

*Clause* 3*rd.*—In like manner the designation of Ameens is changed for that of Native Commissioners.

Oath to be taken by Senior and Junior Assistants, and where.

SECTION II.—*Clause* 1*st.*—Previous to entering on the discharge of their respective duties, the Senior and Junior Assistant Judges shall take and subscribe the oaths prescribed by Clause 1st, Section XXVIII Regulation II of 1827, the Senior Assistant in the Court of Surat or Kaira as may prove most convenient to him, and Junior Assistants, either before one of the same authorities, or the Senior Assistant stationed at Broach: in either case, the oath is to be administered in open Court.

Commissioners to take the prescribed solemn declaration before the Senior Assistant Judge at Broach.

*Clause* 2*nd.*—In like manner a Commissioner shall take the solemn declaration prescribed by Section XL Regulation II of 1827, before the Senior Assistant Judge, in open Court, previously to exercising any of the functions of his office.

Provision for the appointment of law officers at Broach if necessary.

SECTION III.—If the duties of law officers within the Broach Collectorate cannot in the opinion of Government be conveniently performed by the established law officers of the Kaira and Suart Courts, law officers to be borne upon the establishment of the Kaira Court shall be attached to the Court of the Senior Assistant Judge of Broach, who will qualify in the same manner as other law officers, and perform the same duties in the Broach Collectorship.

The limit to the Civil jurisdiction of the Senior and junior Assistant Judge abolished.

SECTION IV.—*Clause* 1*st.*—So much of Clauses 2nd and 3rd of Section IV of Regulation XXVII of 1827, as fixes the limit to the jurisdiction of the Senior and Junior Assistant Judges at Broach, is hereby rescinded.

And constituted the same as for similar officers under the revised Code. Jurisdiction of Senior Assistant open to extension as in similar cases.

*Clause* 2*nd*.—The limit to the jurisdiction of the Assistant Judges at Broach is hereby declared to be the same as that assigned to such officers respectively in the revised Code of Regulations, consisting of the Regulations numbered from I to XXVI of 1827, and the powers of the Senior Assistant Judge to be therefore open to such extension as Government may authorize, under Regulation II of 1827, Section XXVIII and other similar enactments.

The rules in Clause 3d Section IV of Regulation XXVII of 1827, regarding Ameens abolished.

SECTION V.—*Clause* 1*st*.—So much of Clause 3rd, Section IV, Regulation XXVII of 1827, as relates to Ameens, is hereby rescinded.

Commissioners in the Broach Collectorship have the same jurisdiction as elsewhere under the revised Code; and forward to Broach Suits beyond their jurisdiction cognizable by the Senior Assistant Judge.

*Clause* 2*nd*.—The Commissioners acting in the Broach Collectorship will exercise the same jurisdiction as is assigned to those officers under the revised code of Regulations and will when stationed elsewhere than in the Town of Broach, file original suits, as provided for in the revised Code, forwarding to the Senior Assistant Judge stationed at Broach such suits beyond their cognizance as may fall within his jurisdiction.

The Senior assistant Judge and Commissioner may receive and forward suits cognizable only by the Judge of the Zilla.

SECTION VI.—Nothing contained in Clause 2nd, Section 4th, Regulation XXVII. of 1827, shall be held to prevent the presentation of an original suit, cognizable only by the Judge of the Zilla at Broach, to the Senior Assistant Judge, or elsewhere in the Broach Collectorship to the Commissioner of the place, which officers respectively shall after noting on it the period of its presentation, forward it to the Zilla Judge.

If the Senior Assistant Judge possess extended powers, he is competent to file Appeals from those subordinate to him,

SECTION VII.—*Clause* 1*st*.—Whenever the Senior Assistant Judge may possess extended powers, as contemplated in Clause 2nd, Section IV of this Regulation, under the provisions of Clause 6th, Section XXVIII, Regulation II of 1827, appeals from the decisions of Commissioners and a Junior Assistant Judge within the Broach Collectorship shall be received and admitted by him, in the same manner as appeals are received and admitted by Zilla Judges under Chapter XVI, Regulation IV of 1827, and the Judges of Surat and Kaira will each for his own Zilla, exercise over the Senior Assistant Judge of Broach the control which the Suddur Dewannee Adawlut exercises over Zilla Judges by virtue of Regulation IV of 1827, Chapter XXI, the procedure directed by the Judge in any such case being deemed as if taken by him in his own Court, as regards the superior authority of the Suddur Dewannee Adawlut.

Appeals from decision of the Senior Assistant Judge to be presented at Broach or to the judge before whom the same may be heard; in the former case the Senior Assistant will forward the same to the Judge.

*Clause* 2*nd*.—Whenever a party is desirous of appealing from the decision of the Senior Assistant Judge stationed at Broach, he may present his petition of appeal either to the Zilla Judge, or to the Senior Assistant Judge of Broach with the prescribed security, who will transmit the same to the Zilla Judge within whose jurisdiction the case may be, under rules similar to those applicable to appeals from the decisions of Zillah Judges to the Suddur Dewanee Adawlut; and when the Senior Assistant Judge may not be vested with the extended powers, which would enable him to hear appeals, the same course is to be pursued with respect to appeals from decisions of Commissioners or Junior Assistants.

If extended powers are not granted to the Senior Assistant, Appeals from the officer subordinate to him shall be received as above.

Suits or Appeals belonging to Broach judicial officers to be tried by no other subordinate authority.

SECTION VIII.—No original suit or appeal within the Broach Collectorship, cognizable by the judicial officers of that Collectorship, shall be tried by any other officer subordinate to the Zilla Judge.

Office for the Registry of deeds and other papers instituted at Broach for the Collectorship in the same manner as for Zillas.

SECTION IX.—*Clause* 1*st*.—The officers for the registry of deeds for the Zillas of Surat and Kaira shall not register deeds and papers for the Broach Collectorship, for which there shall be a separate registry office at Broach under the same rules and provisions as are prescribed by Regulation IX of 1827, for Zillas.

*Clause 2nd.*—The superintendence of the registers shall be vested in the Senior Assistant Judge, and, in his absence, in the Assistant of highest rank on the spot, agreeably to Regulation II of 1827, Section XXVIII Clause 3rd.

Provision made for the superintendence of the office.

SECTION X.—The Senior Assistant Judge stationed at Broach shall be provided by the Judges of Surat and Kaira, with duplicates of the seals of their respective Courts, agreeably to the provisions of Section XVIII, Regulation II of 1827, and these seals shall be used respectively according to the Zilla to which business belongs.

For the use of the authorities at Broach duplicates of the seals of the Kaira and Surat Zillah Civil Courts to be furnished.

SECTION XI.—It shall be competent for the Suddur Dewanee Adawlut, in all cases wherein it may see fit, to communicate direct with the Senior Assistant at Broach, without sending through the Judge of Kaira or Surat, as the case might require, but it shall forward, without delay, copies of each such communication to the Judge of the Zilla.

Direct communication when requisite may be resorted to between the Suddur Dewanee Adawlut and Senior Assistant at Broach, the Zilla Judge receiving copies of letters.

SECTION XII.—And whereas, in so far as Regulation XXVII of 1827, introduced no change, the old Regulations were preserved as the law, under that enactment, it is hereby enacted, that the revised Code of the Regulations consisting of the Regulations numbered from I to XXVI of 1827, supercedes and supplies the place of all Rugulations issued prior to 1st January 1827. as in force under Regulation XXVII of 1827, equally as in all other respects.

The revised Code supplies the place of the former Regulations as in force under Regulation XXVII of 1827, equally as in other respects.

(Branch of Criminal Judicature.)

# REGULATION II. A. D. 1828.

(SUPPLEMENT 2ND TO REGULATION XXVII OF 1827.)

A REGULATION *for rendering the duties of the Officers of the Department of Criminal Justice employed under Regulation XXVII of* 1827, *in the Administration of the Broach Collectorship, conformable to the Rules of the revised Code of Regulations*—PASSED *by the Governor in Council of Bombay, on the* 17*th January* 1828, *corresponding with the* 1*st Maha Sood Sumbut or Vikramajet Era* 1884, *Salbahan* 1749, *Fusly* 1237, *Soorsun* 1228, *and* 29*th Jummadee Ulakhur* 1243, *of the Hijree*,

Preamble.

WHEREAS it is requisite to specify the degree in which the Rules of Regulation XXVII, of 1827, in the Department of Criminal Justice, are maintained in force under the operation of the revised Regulations, the following Rules have therefore been enacted, to have effect from the date of promulgation,

The Oath of the Assistant Criminal Judges at Broach, to be that prescribed by Regulation XIII, and to be administered as in the Civil Department.

SECTION I.—*Clause* 1*st*.—The Oath to be taken and subscribed by the Senior and Junior Assistant Criminal Judges stationed at Broach, previously to entering on the discharge of their respective duties shall, in lieu of that formerly taken, be the Oath prescribed by Clause 1st, Section VIII, Regulation XIII, of 1827, and shall be administered as prescribed in Regulation I, of 1828, Section II, Clause 1st.

Duplicates of the Surat and Kaira Criminal Seals to be deposited at Broach.

*Clause* 2*nd*.—Duplicates of the seals of the Criminal Courts of Surat and Kaira, shall be furnished to the Senior Assistant Criminal Judge stationed at Braoch, and shall be used respectively according to the Zilla to which business belongs.

The Law Officers of the Civil department for Broach will also perform the duties of the Criminal Department.

SECTION II.—The Law Officers employed for the Broach Collectorate in the Department of Civil Justice shall in like manner, after qualification as other Law Officers, perform the duties of their Offices in the Criminal Department.

Powers of Senior and Junior Assistant Criminal Judges at Broach rendered the same as those of Assistants at Suddur Stations of Zillas, the Zilla Magistrate accordingly forwarding Criminal cases to Broach.

SECTION III.—The Assistant Criminal Judges stationed at Broach, shall in addition to the powers vested in them by Section VI, Regulation XXVII, of 1827, exercise, within the Limits of the Collectorship of Broach, the full power and authority of Senior and Junior Assistants, as discribed in Chapter II, Regulation XIII, of 1827; so much of Section V, Regulation XXVII, of 1827, as directs that the Collector as Magistrate shall forward cases beyond his cognizance to the Criminal Judge of Surat or Kaira, is also hereby rescinded, and those cases from the date of the promlugation of this Regulation will be forwarded to the Senior Assistant Criminal Judge stationed at Broach.

Under particular circumstances sessions of Jail delivery may be held at Broach.

SECTION IV.—In the event of an extension of the powers of the Senior Assistant Criminal Judge stationed at Broach, by virtue of Clause 4th, Section XIII, Regulation XIII, of 1827, it shall be competent to the Governor in Council to direct the periodical Sessions of the Court of Circuit to be held for the territory composing that Collectorate, under the same Rules as for Zillas, in which case the Assistant Criminal Judge's powers shall be extended, so as to equal those of a Criminal Judge.

The Suddur Adawlut and Judge on Circuit may communicate direct with the Senior Assistant Criminal Judge as in the Civil Department.

SECTION V.—The Sudder Foujdaree Adawlut and the Judge on Circuit may communicate direct with the Senior Assistant Criminal Judge of Broach, under the same Rules as are provided for the Department of Civil Justice in Regulation I, of 1828, Section XI.

(Revenue Branch.)

# REGULATION III. A. D. 1828.

## (SUPPLEMENT 1ST TO REGULATION XVIII, OF 1827.)

A REGULATION *for subjecting to the stamp duty certain plaints and other papers exempted therefrom under Regulation XVIII of* 1827.—PASSED *by the Governor in Council of Bombay, on the* 21*st day of* May 1828, *corresponding with the* 7*th Jest Sood or Vikramajeet Era* 1884, *Salbahan* 1750, *Fusly* 1237, *Soorsun* 1228, *and 6th Zilkaud* 1243, *of the Hijree.*

Preamble.

WHEREAS the exemption from the Stamp duty, conferred by the provision of Regulation XVIII of 1827, on plaints and other papers in original suits not exceeding Rupees (100) one hundred in amount, and on the additional paper required in any pleading beyond the Stamp material, has been found to occasion great inconvenience by the multiplication of unnecessary law-suits, and the needless prolongation of pleadings, the following rules have therefore been enacted for the purpose of removing those evils, and shall have effect, from the date of promulgation, through the territories subject to Regulation XVIII of 1827.

Papers in original Suits above one Rupee in amount subjected to the Stamp duty.

SECTION I.—*Clause* 1*st.*—So much of Regulation XVIII, Section XV, Clause 1st, Section XVIII, Clause 1st and Appendixes C. and D. to that Regulation, as exempts from the Stamp duty plaints and other papers in original suits above one Rupee, and not exceeding Rupees (100) one hundred in amount, is hereby rescinded, and plaints and other papers in these suits shall hereafter be subject to the same Stamp duty as is prescribed in the case of Appeals of the same amount in Appendixes C. and D. to Regulation XVIII.

Additions to the Stamped material used in pleading to be the Stamped material for an ordinary application, or (if it is of lower value) that of the Stamped material to which they are added.

*Clause* 2*nd*.—In modification of Section XXI. of Regulation XVIII of 1827, it is hereby enacted, that the material used, in addition to the prescribed stamped material in any pleading, shall be the stamped material of the value of an ordinary application to the Court trying the suit, or of the value of the stamped material to which it is added in case the latter should be of smaller amount.

(Revenue Branch.)

# REGULATION IV, A. D. 1828.

SUPPLEMENT 1st TO REGULATION XXIX, OF 1827.

A REGULATION *for bringing under the operation of the Stamp Regulations, the Bombay Territories in the Deckhan and Kandesh, including Sholapoor.*—PASSED *by the Governor in Council at Bombay, on the 21st day of May* 1828, *corresponding with the 7th Jest* Sood *or Vikramajeet Era* 1884, *Salbahan* 1750, *Fusly* 1237, *Soorsun* 1228, *and 6th Zilkaud* 1243 *of the Hijree.*

Preamble.

WHEREAS by Section II, Clause 1st of Regulation XXIX of 1827, the Bombay Territories in the Deckan and Khandesh, including Sholapoor, are exempted from the provisions of Regulation XVIII, and of any enactments relating to Stamps, and it being now judged expedient that the said exemptions should no longer continue in force, the following Rules are enacted:

Regulation XVIII and enactments relating to Stamps made applicable to the Deckan and Kandesh, including Sholapoor.

SECTION I.—That the provisions of Regulation XVIII of 1827, and of any enactments relating to stamps, be brought into operation in the above named Territories from the date of promulgation of this Regulation.

(Branch of Civil Judicature.)

# REGULATION V. A. D. 1828

(SUPPLEMENT 2ND TO REGULATION XXIX. of 1827.)

A REGULATION *for prescribing Rules under which the jurisdiction of the Deputy Agent for the adjusting of Sirdars' claims, in the Deckhan, in the trial of suits against Sirdars shall be executed; and for defining, in certain instances, the powers of the Agent to hear and determine Appeals from his Deputy.*—PASSED *by the Honorable the Governor in Council at Bombay on the 21st day of May* 1828, *corresponding with the 7th Jest Sood or Vikramajit Era* 1884, *Salbahan* 1750, *Fusly* 1237, *Soorsun* 1228, *and 6th Zilkaud* 1243 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to define the jurisdiction of the Deputy Agent for the adjusting of Sirdars' claims in the Deckhan, in the trial of suits against Sirdars, and also to explain the appellate powers to be exercised by the Agent in hearing and determining Appeals from his Deputy; and whereas it is essential, in order to preserve the whole arrangement by which such trials are conducted from the tendency it will have to fall into the ordinary routine of the Judicial system, to keep the duties and station of the Deputy Agent distinct from those of a Register, the following Rules have accordingly been enacted, to have effect from the date of promulgation.

Suits against Sirdars of the first class will be tried by the Agent, who may also direct his Deputy to try, if not exceeding 30,000 Rupees in amount.

I.—Suits against Sirdars of the first class shall be tried by the Agent, under the Rules prescribed by the orders of the Government, dated the 4th January 1827, or by such other Rules as the Governor in Council may be pleased to frame; but it shall, nevertheless, be competent to the Agent, whenever he deems it necessary, to commit the trial of any such suits to his Deputy, (whose proceedings will be guided by the Rules laid down for the observance of the Agent), provided they do not exceed in amount or value the sum of (30,000) Thirty Thousand Rupees.

Suits against Sirdars of 2d and 3d Classes will be tried by the Deputy, if not exceeding 20,000 Rupees, but Agent may refer to him for trial Suits above 20,000 Rupees and exceeding 30,000 Rupees.

II.—Suits against Sirdars of the second and third classes, provided they do not exceed in amount or value the sum of (20,000) twenty thousand Rupees, shall be tried, in the first instance, by the Deputy Agent, in the manner directed in the preceding Section for the Agent's proceedings. But it shall also be competent for the Agent to refer, by express delegation, to his Deputy, for trial, any of the said suits which shall be in amount or value above (20,000) twenty thousand Rupees and not exceeding (30,000) thirty thousand Rupees.

Suits tried by Deputy open to an Appeal to Agent.

Suits tried by Agent open to a Special Appeal to the Governor in Council, or Suddur Adawlut.

III.—Every suit tried by the Deputy Agent shall be open to an Appeal to the Agent, and every suit tried by the Agent, originally or in Appeal, shall be open to an Appeal or a Special Appeal to the Governor in Council, or to the Suddur Dewanee Adawlut, according to the rank of the parties, as provided for by the Orders of the Government, before mentioned; the rules for admitting Special Appeals being applied to all reclama-

tions from decisions of the Agent, in Appeals against Decrees of his Deputy.

Sixty days allowed for preferring Appeal to agent and 180 days to the Governor in Council or the Suddur Dewanee Adawlut.

IV.—A period of sixty days is allowed, for preferring an Appeal to the Agent from his Deputy; and six months or 180 days are allowed for bringing an Appeal or a Special Appeal against a decision of the Agent, to the Governor in Council or the Suddur Dewanee Adawlut.

(Revenue Branch.)

# REGULATION VI. A. D. 1828.

## (SUPPLEMENT 2ND TO REGULATION XVII, OF 1827.)

A REGULATION *for extending in the same manner as in Suits before the Courts of Civil Judicature, Stamps to suits cognizable by Collectors under operation of Chapter VIII, Regulation XVII of 1827, or any other now in force.*—PASSED *by the Governor in Council of Bombay, on the 18th day of June 1828, corresponding with the 6th First Assad Sood Sumbut or Vikramajeet Era 1884, Salbahan 1750, Fusly 1238, Soorsun 1229, and 5th Zilhuz 1243, of the Hijree.*

WHEREAS it has been deemed expedient to extend the provisions of Regulation XVIII of 1827, to suits cognizable by Collectors, under the operation of Chapter VIII, Regulation XVII of 1827, or any other now in force in the same manner as in suits before the Courts of Civil Judicature, the following rules have in consequence been enacted to take effect from the date of promulgation. Preamble.

SECTION I.—Suits cognizable before Collectors, under the operation of Chapter VIII, Regulation XVII of 1827, shall be subject to the same rules, in regard to stamps, as are in force for the Courts of Civil Judicature. Stamp Regulations extended to Suits before Collectors, in the same manner as now in force in regard to suits before Civil Courts.

(Branch of Civil Judicature.)

# REGULATION VII. A. D. 1828.

## (SUPPLEMENT 1ST TO REGULATION II. A. D. 1827.)

A REGULATION *instituting a Court of Appeal for the Zillas comprised in the Province of Guzerat subordinate to the Supreme Civil Jurisdiction of the Suddur Dewanee Adawlut,*— PASSED *by the Honorable the Governor in Council of Bombay on the 20th of August* 1828, *Corresponding with the 10th Shravun Sood Sumbut or Vikramajit Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and 18th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS the Governor in Council has resolved in the exercise of the power vested in him by Regulation II. of 1827, Section I, Clause 1st to remove the Suddur Dewanee Adawlut from Surat to the Presidency, for the purpose of affording facility of Appeal to that Court from the territories in the Dekhan and Zillas of the North and South Conkan, and whereas it has thereupon been deemed expedient to institute, subject to the Supreme Jurisdiction of the Suddur Dewanee Adawlut, a Court of Appeal for the Zillas comprised in the Province of Guzerat, the following rules are therefore enacted, to take effect from the 1st November 1828.

A Court of Appeal constituted for Guzerat, subject to the Suddur Dewanee Adawlut.

SECTION I.—There shall be a Provincial Court of Appeal for the Zillas comprised in the Province of Guzerat, the seat of which shall, on being fixed or changed, be made known by proclamation issuing from Government. The said Court shall be vested with civil jurisdiction over the above Zillas, and all authorities therein, subject to the supreme civil jurisdiction of the Suddur Dewanee Adawlut, the duties and powers of which except as transferred to the Provincial Court of Appeal for Guzerat and otherwise modified by this Regulation, remain the same as heretofore.

To consist of three Judges.

SECTION II.—The Court shall consist of three Judges, to be denominated "*First*," "*Second*," "*Third*."

Its Seal.

SECTION III.—The Court of Appeal shall use a circular seal, two inches in diameter, on which shall be inscribed in English, Persian, and Guzeratee languages "*The Court of Appeal for the Province of Guzerat.*"

Oaths of the Judges.

SECTION IV.—Each Judge previously to exercising any of the functions of his office shall, with the requisite alteration of official designation, take and subscribe before the Gover-

nor in Council, or any person whom he may commission to administer it, the oath of a Judge of the Suddur Dewanee Adawlut as contained in Appendix A. to Regulation II. A. D. 1827,

Duties of the Court the same with respect to the Guzerat Zilla Courts as the duties of the Suddur Dewanee Adawlut under previous Regulations except as excepted.

SECTION V.—*Clause 1st.*—The appellate and other powers, duties, and functions of the Court of Appeal, for, in, and over the Zillas of the Province of Guzerat, and all authorities therein, shall be the same as are prescribed in the Regulations heretofore enacted for the Suddur Dewanee Adawlut, and shall be exercised and performed in the same manner, excepting, as subject and subordinate to the Suddur Dewanee Adawlut, and where otherwise enacted to the contrary:

All subordinate authorities to to conduct themselves accordingly.

*Clause 2d.*—And all authorities subject to the Court of Appeal shall obey the said Court, and shall perform all acts in conformity with and in respect to its jurisdiction, and provide and prepare, in the performance of their duties, all Appeals, returns, reports, and whatever else, for the said Court, as are required by the Regulations to be performed, provided, and prepared by them respectively, for the Suddur Dewanee Adawlut.

Application of previous Regulations to the Court of Appeal's jurisdiction.

*Clause 3d.*—And for elucidation it is hereby declared that the Court of Appeal in using, quoting, or referring to the Regulations hitherto enacted in passing orders in the execution of its jurisdiction or authority, shall do so where applicable, with the same effect, and it shall be so received by all authorities as if the words "*Court of Appeal*" were in the place of "*Suddur Dewanee Adawlut.*"

Required transfer of a portion of the Suddur Adawlut's records to the Court of Appeal.

*Clause 4th*— Such portion of its records relating to Guzerat as the Suddur Dewanee Adawlut may deem fit, shall be made over by that Court to the Guzerat Court of Appeal, together with all such Appeals and other business within the jurisdiction of the latter Court as may be undecided and unfinished on the commencement of the operation of this Regulation.

Returns and reports from the Guzerat Zillas to be made through the Court of Appeal.

SECTION VI.—All returns and reports required by the Regulations to be made by the Suddur Dewanee Adawlut, to Government, shall, as respects the Province of Guzerat, be made by the Provincial Court to the Suddur Dewanee Adawlut, and that Court will forward the same whenever requisite to Government,

Appeals to be tried first by one Judge who may confirm the decree appealed from:

SECTION VII.—All Appeals to the Court of Appeal, shall in the first instance, be referred by the Court to one of its' Judges who shall try the same and pass judgment therein, provided such judgment confirm the decree appealed from.

Or disapproving therefrom may refer the Suit with his opinion to the other two Judges.

*Clause 2d.*—But if the Judge is not prepared to confirm his decree, he shall record his sentiment and opinion on the case, and refer it to the decision of a Court composed of the other two Judges.

When his opinion is reckoned as a vote.

*Clause 3d.*—The opinion of the single Judge shall be received as a vote, and the decision be passed by the majority.

In other matters the act of two concurring Judges is that of the Court: where two Judges differ, the opinion of the third must be taken.

SECTION VIII.—For other purposes than the trial of Appealed Suits two Judges, or three, shall constitute a Court: if two Judges only sit and they concur, their act shall be the act of the Court, but if they differ, the opinion of the other shall be requisite, and the decision shall be according to the majority.

A register may be appointed: his duties how performed when there is no such officer.

SECTION IX.—If the Court shall have a Register, his oath shall be the same as that of the Register to the Suddur Dewanee Adawlut with the requisite alteration of official designation and his duties shall be the same as those of that officer; when there is no Register, his duties shall be performed by the Judges according to such arrangement as they may find convenient.

Law and ministerial officers, their qualifications and duties.

SECTION X.—The Court of Appeal shall have the same description of law and ministerial officers under the same rules as are prescribed in the Regulations for the Suddur Dewanee Adawlut to perform the several duties therein enacted; and such officers, as are required by Regulation to do so, shall perviously to entering upon the duties of their respective offices, take and subscribe in open Court the solemn declarations corresponding with those contained in Appendix C, to Regulation II of 1827.

General Rules of practice and procedure to be under the direction of the Suddur Adawlut.

SECTION XI.—Rules of general practice and procedure, the observance of holidays, and other similar matters, shall be issued by the Suddur Dewanee Adawlut to the Guzerat Court of Appeal, and through that Court to the Zilla Courts of Guzerat.

The suspension of Law officers of Zilla Courts referred through the Court of Appeal to the Suddur Adawlut.

SECTION XII.—The suspension of law officers in the Zilla Courts of the Province of Guzerat under the Regulations shall be referred to the Court of Appeal in the first instance, and then by that Court to the Suddur Dewanee Adawlut, which Court will thereafter act as is provided in the Regulations.

Court of Appeal's power over its own native officers and those of the Guzerat Zilla Courts.

SECTION XIII. The Court of Appeal shall have the same power over the Officers of the Courts subject to its jurisdiction, and over its own officers, as is vested in the Suddur Dewanee Adawlut; but the nomination, suspension and dismission of the Nazir of the Court of Appeal, must be reported to the Suddur Dewanee Adawlut.

Appointment, suspension and dismission of Native Commissioners.

SECTION XIV.— *Clause 1st*, ——Native Commissioners shall, in the province of Guzerat, receive their commissions from the Court of Appeal in the manner provided in the Regulations. The suspension of a Native Commissioner may be sanctioned by the Court of Appeal according to the Regulations, but for the dismission of such officers a report must be made to the Suddur Dewanee Adawlut, and the sanction of that Court be obtained.

Their numbers.

*Clause 2d.*—The number of Native Commissioners, with the other provision of Clause 3d, Section XXXVII, Regulation II, A. D. 1827, shall, in the province of Guzerat, on any alteration being required, be reported to the Court of Appeal, and by that Court to the Suddur Dewanee Adawlut, whence the final sanction, in the manner prescribed in the Regulation, will be received.

Pleaders.

SECTION XV.—The qualifications of Pleaders in the Courts of the Province of Guzerat shall be determined by the Court of Appeal, in the same manner as is provided to be done by the Suddur Dewanee Adawlut, and each Pleader so found qualified shall be furnished with a Sunnud under the seal of the Court.

Provision in case of difference of opinion on a Regulation between the Court of Appeal and a Zilla Judge.

SECTION XVI.—In all instances in matters not expressly placed at the discretion of the Court of Appeal under the Regulations, where a Zilla Judge may consider a precept or order issued by the Provincial Court of Appeal to be contrary to, or unwarranted by the Regulations, he may suspend execution of the same, and state his objections to that Court, till the receipt of a second precept, which, if confirming the first, must be executed without further delay; but if his objections remain, he may request that the matter may be referred to the Suddur Dewanee Adawlut, which the Provincial Court shall accordingly do (unless convinced by the objections so further offered) with copies of the precepts and return and all other documents necessary for elucidating the circumstances of the case, and the Suddur Dewanee Adawlut shall thereupon issue final orders or refer the question to Government for decision, as may be required.

Jurisdiction of the Suddur Adawlut over the Court of Appeal and through that Court over the Zilla Courts of Guzerat.

SECTION XVII.—The jurisdiction of the Suddur Dewanee Adawlut, except when otherwise specially enacted, is the same over the Guzerat Court of Appeal as by the Regulations heretofore enacted it exercised over the Zilla Courts of Guzerat, with respect to which Courts its superior jurisdiction (which is in no way to interfere with the exclusive appellate jurisdiction in the first instance of the Court of Appeal) will be henceforward exercised through the medium of the Court of Appeal.

The Junior Member of Council is Chief Judge of the Suddur Adawlut, but only for the purpose of completing a competent Court.

SECTION XVIII.—The junior Member of Council shall be the Chief Judge of the Court of Suddur Dewanee Adawlut, but that no necessary addition may be made to the extensive duties of his higher Office, his functions as Chief Judge shall be limited to his officiating as such, when a competent Court for the decision of the suit or other matter under consideration cannot otherwise be had.

A regular appeal to the Suddur Adawlut lies from the Court of Appeal when it's decree alters the decree appealed against.

SECTION XIX.—*Clause 1st*.—All decisions of the Court of Appeal are open to Appeal to the Suddur Dewanee Adawlut when that Court reverses, alters, or modifies the judgment of the Zilla Court.

*Clause 2d*.—But where the decision of the Court of Appeal confirms the judgment of the Zilla Court, a regular Appeal shall not lie to the Suddur Dewanee Adawlut, unless the amount at issue in property or damages exceeds Rupees 5,000.

Special Appeals may be granted.

SECTION XX.—A Special Appeal is open in all cases from the decision of the Court of Appeal to the Suddur Dewanee Adawlut, under the rules in force in regard to Special Appeals.

Rules respecting appeals from the Court of Appeal

SECTION XXI.—The manner of admission of an Appeal to the Suddur Dewanee Adalut, the proceedings to be adopted, the notices to be given, the process to be followed in taking security, as in either enforcing or staying the execution of a Decree, or in any other matter, shall be the same as is provided in the Regulations in respect to Appeals from the Zilla Courts to the Suddur Dewanee Adawlut.

And for process to the Suddur Adawlut.

SECTION XXII.—Precepts shall issue from the Suddur Dewanee Adawlut to the Court of Appeal for the execution of its process, orders and decree in all matters arising in the Zillas of Guzerat, in the same manner as is prescribed in the Regulations to Zilla Courts.

The Court of Appeal may in particular cases suspend execution of a precept of the Suddur Adawlut, but must obey a second precept without further delay.

SECTION XXIII.—Two Judges of the Court of Appeal shall have authority under the circumstances described in Section XVI to delay execution of a precept issued by the Suddur Dewanee Adawlut, pending a reference to that Court, whose final precept thereupon issued must be obeyed without further delay.

Reports &c. furnished to Government by the Suddur Adawlut.

SECTION XXVI.---Reports and copies of proceedings will be furnished by the Suddur Dewanee Adawlut to Government, in conformity with the provision of Regulation II of 1827 Section VIII, the same being procured from the Zilla Courts of Guzerat through the General Court of Appeal.

(Branch of Criminal Judicature.)

# REGULATION VIII. A. D. 1828.

## (SUPPLEMENT 1ST TO REGULATION XIII OF 1827.

A REGULATION *instituting a Provincial Court of Circuit for the Zillas comprised in the Province of Guzerat, subject to the Supreme Criminal Jurisdiction of the Suddur Foujdaree Adawlut upon the removal of that Court to the Presidency, and providing for the charge of Jails where there is no Criminal Judge or Assistant Criminal Judge.*—PASSED *by the Governor in Council of Bombay on the 20th of August* 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajit Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 8*th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient, in order to facilitate the business of the Courts of Circuit, and to give more efficiency to the powers of supervision vested in those Courts, and in view to the attainment of a more complete administration of criminal justice, to institute a Provincial Court of Circuit for the Zillas comprised in the province of Guzerat subject to the Supreme Criminal jurisdiction of the Suddur Foujdaree Adawlut; and whereas provision is required for the charge of Jails where there is no Criminal Judge or Assistant Criminal Judge, the following rules are therefore enacted to take effect from the 1st November 1828.

Appointment of a Provincial Court of Circuit for Guzerat.

SECTION I.—There shall be a Provincial Court of Circuit for the Zillas comprised in the province of Guzerat.

Its jurisdiction.

SECTION II.—This Court shall have criminal jurisdiction over the above zillas and all authorities therein, subject to the supreme criminal jurisdiction of the Suddur Foujdaree Adawlut, the duties and power of which, except as transferred to the Provincial Court of Circuit for Guzerat and otherwise modified by this Regulation, remain the same as heretofore.

Its Judges and officers: their duties.

SECTION III.—The seat of the Provincial Court of Circuit shall, on being fixed or changed, be made known by proclamation issuing from Government; the Court shall be composed of the same Judges as the Provincial Court of Appeal, the officers of which, (both European and Native), shall perform also, in the Criminal Court, their respective functions, in the discharge of which they shall be subject to the same rules and responsibility as in their civil capacities, and the denomination and rank of each Judge, or officer, shall correspond with that which he bears in the Civil Court.

Its Seal.

SECTION IV.—The Court shall use a circular seal two inches in diameter, on which shall be inscribed in the English, Guzeratee, and Persian languages and characters, "*The Provincial Court of Circuit for Guzerat.*"

Qualification of the Judges and officers.

SECTION V.—Each Judge shall, previously to exercising any of the functions of his office, take and subscribe before the Governor in Council, or in open Court, the Oath described in Appendix A to Regulation XIII of 1827, with such alteration, in respect of designation, as is re-

quisite, and the Register, if one shall be appointed, and the law and ministerial officers, shall in like manner take, in open Court, the oaths and solemn declarations respectively prescribed in the said Regulation for such officers of the Suddur Foujdaree Adawlut.

Sitting of the Court, votes of the Judges and powers of a single Judge.

SECTION VI.—The provisions of Regulation XIII of 1827, Section XXVIII on the sitting of the Suddur Foujdaree Adawlut, and the votes of the Judges when not more than three in number, and the power of a single Judge, shall constitute the rule on those subjects for the Provincial Court of Circuit.

One Judge differing with the others on an order or enactment may require a reference to the Suddur Adawlut.

SECTION VII.—When there may be a difference of opinion upon any rule, order or interpretation of a Regulation, any Judge of the Court may require a reference to be made, the same being accompanied by the minutes and opinions of the other Judges, to the Court of Suddur Foujdaree Adawlut for its final decision, or a reference to Government, as the case may require.

Duties and powers of the Provincial Court of Circuit.

SECTION VIII.—*Clause 1st.*—The duties, functions and powers of the Provincial Court, for, in, and over the Zillas of the Province of Guzerat, shall be the same as are prescribed in the Regulations hitherto enacted for the Court of Suddur Foujdaree Adawlut, and shall be exercised in the same manner, excepting as subject and subordinate to the Court of Suddur Foujdaree Adawlut, and where otherwise excepted.

And application of previous regulations to its jurisdiction.

*Clause 2d.*—And it is hereby declared for elucidation, that the Provincial Court in using, quoting or referring to the Regulations hitherto enacted, in passing orders in the exercise of its jurisdiction, or authority, or otherwise, shall do so, where applicable, with the same effect, and it shall be received by all authorities subordinate to it, as if the words "*Provincial Court*" were in the place of "*Court of Suddur Foujdaree Adawlut.*"

Certain references by Criminal Judges in Guzerat to be made to the Provincial Court of Circuit.

SECTION IX.—Cases referred by Criminal Judges under Clause 2d, Section XIII, Regulation XIII of 1827, as also under Clause 4th, Section XVI, Regulation XVII, shall, in the Province of Guzerat, be referred to the Provincial Court. In the same manner all other referrences, by whatever authority, required to be made to the Suddur Foujdaree Adawlut, shall, in the Province of Guzerat, be made to the Provincial Court, except where enacted to the contrary.

References from the Suddur Foujdaree Adawlut to Government to be made in the first instance for Guzerat by the Provincial Court of Circuit to the Suddur Adawlut.

SECTION X.—All references and applications, which by the Regulation are required to be made to Government by the Court of Suddur Foujdaree Adawlut, shall, for the Province of Guzerat, be made by the Provincial Court to the Suddur Foujdaree Adawlut, which Court will make such references to Government, where by Regulation it is required to do so, with its opinion and the instructions and orders of Government thereon will, when received, be issued by the Court of Suddur Foujdaree Adawlut, to the Provincial Court.

Certain acts of Criminal Jurisdiction performed by the Provincial Court of Circuit, others by the Suddur Foujdaree Adawlut alone.

SECTION XI.—The measures provided and described in Section XXXVIII, Regulation XII of 1827, shall for the province of Guzerat be sanctioned by the Provincial Court, but those of Section XXXIX of the same Regulation, and the Proclamation therein provided, shall be issued by the Suddur Foujdaree Adawlut, alone.

Circuit for Guzerat how performed, provision as to the stay of the Judge at each station or other place.

SECTION XII.—*Clause 1st.*—The Circuits for the Province of Guzerat shall commence on the 15th March and 1st November in each year, and shall be performed by the two Junior Judges of the Provincial Court of Circuit, in such order as the Judges of that Court, with the concurrence of the Suddur Foujdaree Adawlut, may arrange: the

Judge on Circuit shall exercise the same functions and powers, and shall act and perform their duties in the same manner and to the same extent, except where otherwise enacted, as the Regulations hitherto enacted prescribe for the Court of Circuit held by a Puisne Judge of the Court of Suddur Foujdaree Adawlut; but the Suddur Foujdaree Adawlut shall have authority to regulate, as it may deem expedient, the period during which the Judge on Circuit shall remain at each respective Station or other place where a Session is held: the reference also to Government specified in Regulation XIII of 1827, Section V, Clause 1st, will be made by the Suddur Foujdaree Adawlut.

Zilla Criminal Court and other authorities how subordinate to the Provincial Court of Circuit.

*Clause 2d.*—All authorities subordinate to the Provincial Court shall duly obey, perform all acts, and provide and perpare, in the performance of their several duties, all cases and calendars, returns and reports for the Judges of Circuit of that Court, in the same manner as is provided in the Regulations for the Puisne Judges of the Suddur Foujdaree Adawlut, when on Circuit.

Number of the Sessions, how they are held.

SECTION XIII—The number and periodical recurrence of Sessions in the year for the respective Zillas subject to the Provincial Court of Circuit for Guzerat, and the manner in which they are to be held, are as prescribed in the Regulation hitherto enacted; the Sessions will be held at Surat by the Judges of the Provincial Court in rotation, and elsewhere by one of the Puisne Judges of that Court.

Records of the Judge of Circuit to the deposited with those of the Provincial Court, and deemed to form a part of them.

SECTION XIV.—The minutes of proceedings and records of the Judge on Circuit, with all papers and documents therein entered, shall, with the exception of such as require to be transmitted to the Suddur Foujdaree Adawlut, be forwarded, under Regulation XIII of 1827, Section XXIII, Clause 1st, to the Provincial Court of Circuit, and shall be at all times open to its inspection and use equally with its own records, of which they shall be deemed to constitute a part.

Certain sentences by the Judge on Circuit to be referred to the Suddur Foujdaree Adawlut.

SECTION XV.—Sentences passed by the Judges on Circuit of the Provincial Court, of death, transportation or imprisonment for life, shall be still referred, as is provided under Clause 3d, Section XXI, Regulation XIII of 1827, to the Suddur Foujdaree Adawlut.

The Provincial Court may refer other sentences passed by the Judge on Circuit to the Suddur Foujdaree Adawlut.

SECTION XVI.—When the Provincial Court of Circuit shall consider any sentence of a Judge of Circuit, which has not been referred to the Suddur Foujdaree Adawlut, to require to be mitigated or annulled, it shall forward the case with its reports and opinion to the Court of Suddur Foujdaree Adawlut, to be confirmed, mitigated, or annulled, as to that Court shall seem fit, agreeably to the provision of Section XIX.

Difference in opinion between local authorities and the Judge on Circuit or Provincial Court with respect to orders how disposed of.

SECTION XVII.—In reference to the powers of the Judge on Circuit over the proceedings of Criminal Judges and Zilla Magistrates, as provided in Regulation XIII, Section XVII, Clause 3d, it is hereby declared, that when, after reference may have been made to the Provincial Court, the Criminal Judge, or Zilla Magistrate, shall still see objection to carrying an order into effect, he may request that the matter may be referred to the Court of Suddur Foujdaree Adawlut, which the Provincial Court, if not convinced by the objections, shall accordingly do, and the Suddur Foujdaree Adawlut, shall thereupon issue final orders, or refer the question to Government for decision, as may be required.

The report required under Clause 2d, Section XII Reg. XIII of 1827, to be made as heretofore to the Suddur Adawlut, though the cases may arise in Guzerat.

SECTION XVIII.—The report required under Clause 2d, Section XII Regulation XIII of 1827, to be made to the Suddur Foujdaree Adawlut, on a case occurring of peculiarity of circumstance, which the Criminal Judge thinks should be brought before a ligher tribunal than his own, shall be still made to that Court, though arising in the Province of Guzerat.

The Suddur Adawlut may call for and investigate Proceedings of the Provincial Court and of Judges on Circuit, recommend to Government to mitigate or annul Sentences passed by the former, and itself mitigate or annul those passed by the latter.

SECTION XIX.—The Suddur Foujdaree Adawlut shall have authority at all times to call for proceedings of the Provincial Court of Circuit, and of any of its Judges, to mitigate or annul, as it may deem fit, any sentence passed by any one of the said Judges, and to submit to Government, in the mode described in Regulation XIII of 1827, Section XXXI, Clause 1st, sentences of the Provincial Court of Circuit, which, in the Suddur Foujdaree Adawlut's opinion, may require to be mitigated or annulled.

Warrants of the Suddur Adawlut and orders of Government in cases of pardon or mitigation of punishment how issued.

SECTION XX.—Warrants issued by the Suddur Foujdaree Adawlut, for the execution of sentences passed by the said Court on cases from the Province of Guzerat, shall be addressed to the Criminal Judge, but be forwarded through the Provincial Court of Circuit; and the same rule shall be observed in notifying to the Criminal Judge a case of pardon or mitigation of punishment, granted by the Governor in Council, or when a prisoner is acquitted, by the Suddur Foujdaree Adawlut.

The Provincial Court to furnish to the Suddur Adawlut and Government all requisite returns and copies of proceedings.

SECTION XXI.—*Clause 1st.*—The Provincial Court of Circuit shall furnish to the Suddur Foujdaree Adawlut, or to the Governor in Council, as directed, returns and information on any subject within its cognizance, also copies of its proceedings or any documents on its records that may be called for.

General reports to be furnished to the Suddur Adawlut.

*Clause 2d.*—The Provincial Court of Circuit shall make the report directed by Clause 3d, Section XXXIII, Regulation XIII of 1827, to the Suddur Foujdaree Adawlut for the Zillas subject to its authorties.

As also periodical returns.

*Clause 3d.*—The Provincial Court shall make such periodical returns relating to the business transacted by it, or by the Courts subordinate to it, as the Court of Suddur Foujdaree Adawlut may direct, the same having been sanctioned by Government.

Reports and returns to be furnished to the Provincial Court by subordinate authorities.

*Clause 4th.*—The Zilla Magistrates and Criminal Judges subordinate to the Provincial Court of Circuit will make such periodical returns to it as they now do to the Court of Suddur Foujdaree Adawlut, and such further reports as the Provincial Court of Circuit may from time to time direct, the same, if periodical, having been sanctioned by Government.

Rules under which, where there is no Criminal Judge or Assistant Criminal Judge, the European Revenue officer of the Collectorship, or place, may have charge of the Jail.

SECTION XXII.—In modification of the rule on that point contained in Regulation XIII of 1827 Chapter VII, it is hereby enacted, that in a Collectorship or other division of territory superintended by an European Revenue Officer where there may be no Criminal Judge, or Assistant Criminal Judge, it shall be lawful for the Governor in Council to place any public Jail or Jails, under the provisions of the above quoted chapter, in the charge of the Magisterial Department; in which case persons apprehended and convicts duly sentenced to imprisonment by the officers of the Magisterial Department shall be there imprisoned, and any further required use in the confinement of prisoners may be made of the Jail or Jails under the directions of Government, or of the Suddur Foujdaree Adawlut, which may be conformable to practice in respect to Zilla Jails.

(Branch of Civil Judicature.)

# REGULATION IX. A. D. 1828.

(SUPPLEMENT 3D TO REGULATION XXVII. A. D. 1827.)

A REGULATION *for rescinding Regulation I. of A. D.* 1828, (*Supplement 1st of Regulation* XXVII. *of A. D.* 1827.) *as well as so much of the latter as relates to Civil Jurisdiction.*—PASSED *by the Governor in Council of Bombay on the* 20*th of August* 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajet Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 8*th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS it is judged adviseable to rescind all Regulations connected with Civil jurisdiction within the Territory composing the late Zilla of Broach, in order to render the operation of the Code uniform, the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg. I of 1828 (the 1st Supplement of Reg. XXVII of 1827) as well as of Regulation XXVII of 1827.

Regulation I of A. D. 1828, [the 1st Supplement to Regulation XXVII of 1827,) and so much of Regulation XXVII of A. D. 1827 as relates to Civil Jurisdiction within the Territory composing the Collectorship of Broach, are hereby rescinded.

(Branch of Criminal Judicatu re.)

# REGULATION X, A. D. 1828.

## SUPPLEMENT 4TH TO REGULATION XXVII OF 1827.

A REGULATION *for rescinding Regulation II.* A. D. 1828, *2d Supplement to Regulation* XXVII *of* 4. *D.* 1827 *as well as so much of the latter as relates to Police and Criminal Jurisdiction.*-PASSED *by the Governor in Council of Bombay, on the 20th of August* 1828, *corresponding with the 1st Shravun Sood Sumbut or Vikramajet Era* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and 8th Suffer* 1244, *of the Hijree.*

Preamble.

WHEREAS it is judged advisable to rescind all Regulations connected with the Police and Criminal Jurisdiction within the territory composing the late Zilla of Broach, in order to render the operation of the Code uniform, the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg. II of 1828, (the 2nd Supplement of Reg. XXVII of 1827) as well as of Regulation XXVII of 1827.

Regulation II of A. D. 1828, the 2d Supplement to Regulation XXVII of 1827, and so much of Regulation XXVII of A. D. 1827, as relates to the Police and Criminal Jurisdiction within the territory composing the Collectorship of Broach, are hereby rescinded.

(Branch of Criminal Judicature.)

# REGULATION XI. A. D. 1828.

(SUPPLEMENT 2D TO REGULATION XIII. A. D. 1827.)

A REGULATION *for rendering where expedient the powers of Assistant Criminal Judges co-extensive with Assistant Judge, in regard to the limit of Civil jurisdiction, when stationed elsewhere than at the Suddur station of a Zilla, and extending their power.*—PASSED *by the Governor in Council of Bombay on the* 20*th of* August 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajet Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 8*th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS no provision has been made for conferring on Assistant Judges, who may be stationed elsewhere than at a Zilla Sudder Station, Criminal jurisdiction, and as such powers may occasionally be necessary, the following rules are passed, to have effect from the date of promulgation.

An assistant criminal Judge, when stationed in the districts, may exercise criminal Jurisdiction if judged advisable.

Whenever an Assistant Judge may be authorized to hold his Court elsewhere than at the Sudder station of a Zilla, under the provisions of Clause 2d, Section XXVIII, Regulation II, of 1827, it shall be competent for Government to authorize him, in his capacity of Assistant Criminal Judge, to perform all or any part of the duties that may be confided to an Assistant Criminal Judge under the Regulations in force, within the limits of his Civil jurisdiction ; and should Government see fit, it may further invest him with all or any part of the authority of a Criminal Judge, in preparing cases for trial by the Court of Circuit, the charge of a jail, or other matter : the requisite instructions being communicated by Government to the Suddur Foujdaree Adawlut, and conveyed to the said Assistant through the Criminal Judge of the Zilla, who will also publish a notification thereof in the language of the district.

He may also have extended powers conferred on him.

(Branch of Criminal Judicature.)

# REGULATION XII. A. D. 1828.

## (SUPPLEMENT 1ST OF REGULATION XII, A. D. 1827.)

A REGULATION *for giving to Assistant Criminal Judges, where expedient, when stationed elsewhere than at the Suddur station of a Zilla, the Police powers within the limits of the Town where he may be stationed; and for empowering Zilla Magistrates to refer cases to such Assistant Criminal Judge, instead of the Criminal Judge.*—PASSED *by the Governor in Council of Bombay on the 20th of August* 1828, *corresponding with the 10th Shravun Sood Sumbut or Vikramajet Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and 8th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS it may be deemed expedient to vest the police jurisdiction of Towns where an Assistant Criminal Judge is stationed elsewhere than at the Suddur station of a Zilla, in that officer, and it may be further desirable to direct the Zilla Magistrate to refer to such Assistant Criminal Judge all Criminal cases beyond his immediate jurisdiction, the following rules are passed to have effect from the date of promulgation.

Police powers may be vested in Assistant criminal judges in Towns when stationed in districts.

1. Whenever an Assistant Criminal Judge is stationed elsewhere than at the Suddur station of the Zilla, it shall be competent for Government, if deemed expedient, to direct him to take charge of the Police of the Town where he is stationed, under the same rules as are provided for Criminal Judges at the seat of the Zilla Court.

Zilla Magistrates to refer cases beyond his own immediate jurisdiction to Assistant Criminal Judges when stationed in the districts.

II. Whenever an Assistant Criminal Judge is stationed elsewhere than at the Suddur station of the zilla, the Magistrate of the zilla shall refer all criminal cases beyond his own immediate jurisdiction to such Assistant Criminal Judge, when they may arise within the limits of the Assistant Criminal Judge's local jurisdiction.

[Branch of Civil Judicature.]

# REGULATION XIII. A. D. 1828.

(SUPPLEMENT 1ST TO REGULATION IX, OF 1827.)

A REGULATION *for enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II of* 1827, *when stationed in the districts.*—PASSED *by the Governor in Council of Bombay on the* 20*th of August* 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajeet Era* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 8*th Suffer* 1244, *of the Hijree.*

Preamble.

WHEREAS for the convenience of the community within the limits of the Civil Jurisdiction which may be placed under an Assistant Judge, by virtue of Clause 2nd, Section XXVIII, Regulation II 1827, it is judged advisable that Government, if it may so deem it expedient, shall be empowered to direct that the Registers of Deeds, and General Register, established by Regulation IX of 1827, be kept by the Assistant Judge, for the whole or any part of his jurisdiction; the following rules have therefore been enacted, to have effect from the date of promulgation.

Registry of deeds &c. may be confided to Assistant Judges, if stationed in the districts.

When an Assistant Judge is stationed elsewhere than at the seat of the Zilla Court, under the provisions of Clause 2nd, Section XXVIII, Regulation II of 1827, the Registers for deeds and other documents, established by Regulation IX of 1827, may, if the Governor in Council shall so determine, be kept by the Assistant Judge, for the whole or any portion of his jurisdiction, as Government may direct.

(Revenue Branch.)

# REGULATION XIV. A. D. 1828.

A REGULATION *for levying a Toll at the Sion Causeway, made with the Sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India,*—PASSED *by the Governor in Council of Bombay on the 3d of September* 1828, *corresponding with the* 10*th Shravun Vud Sumbut or Vikramajet Æra* 1884, *Salbaham* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 22*d Suffer* 1244, *of the Hijree.*

Preamble.

WHEREAS the Government of Bombay has, at considerable expence to the Hon'ble Company, widened the Causeway which connects the Islands of Bombay and Salsette, so as greatly to improve the said communication in point of safety and convenience to the public, and it has in consequence been deemed just and expedient to levy a Toll on the passage of Vehicles of various descriptions, and of Horses and Tatoos, Horned Cattle, Sheep and Goats, over the said Causeway, the following rules have therefore been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the 1st of November next.

Rates of Toll established for the Sion Causeway.

SECTION I.—The following rates of Toll are hereby authorized and directed to be levied at the Sion Causeway.

On four wheeled Carriages on springs, of every description, ½ Rupee each going, and the same returning.

On two wheeled Carriages on springs, exclusive of Native Hackeries, ¼ Ditto Ditto.

On Saddle or Harness Horses, ½ Anna each Ditto Ditto.

On Native Hackeries on springs, 1 Anna each Ditto Ditto.

On labour Carts and labour Hackeries, without springs, 1 quarter of an Anna each Ditto Ditto.

On Tatoos of Burden and on Cattle of every description, in the proportion of 1 Anna for eight Ditto Ditto.

On Sheep and Goats, in the proportion of 1 Anna per score going, and the same returning.

To be levied at Sion by the Collectors Officers:

SECTION II —*Clause Ist.*—The Collector of the Toll shall be placed under the superintendence of the Collector of Bombay, and the Toll shall be levied at Sion by such officer or officers on the Collector's establishment as he may appoint to that duty, for the due execution of which they shall be liable to the same responsibilities as would attach to them in the collection of the land revenue.

Who, in case of non-payment, may detain property and demand aid in executing their duty from the police.

*Clause 2d.*—In case of non-payment of the Toll, the Collector's Officers are authorized to stop the property on which i is chargeable, or so much of it as may be adequate to the discharge of the amount due, and all police officers are required, when called upon, to aid the Collector's Officers in the execution of their duty, and are hereby vested with the powers for that purpose as they possess in the exercise of their ordinary duties in the police.

Property so detained may be sold to pay the Toll, and moderate fine for contumacious non-payment.

*Clause 3d.*—If, when property is detained by virtue of the preceding Clause, the Toll remains undischarged for 24 hours, the case shall be brought before the Collector, if he be a Justice of Peace for the Island of Bombay, and the Collector, or other Justice of Peace, shall have authority, after due investigation had, to cause payment to be made of the Toll which may be due, together with such moderate fine not exceeding Rupees Five (5), in cases of contumacious non-payment, as may appear expedient, out of the proceeds of the property so detained, the sale of which shall be made under the warrant of a Justice, to be issued as prescribed in similar cases in Regulation XIX A. D. 1827, Section XIV, Clause 1st.

(Revenue Branch.)

# REGULATION XV, A. D. 1828.

(SUPPLEMENT 2d TO REGULATION XXI, OF 1827.)

A REGULATION *for modifying the Provision in force regarding the duty levied on Tobacco imported into, or exported from the Zillas Subordinate to the Presidency of Bombay* —PASSED *by the Governor in Council at Bombay, on the 10th of September* 1828, *corresponding with the* 1st *Bhadrapud Sood Sumbut or Vikramajeet Æra* 1884, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and 29th Suffer* 1244 *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to revise the existing rate of duty levied on Tobacco import into, or exported from the Zillas Subordinate to the Presidency of Bombay, the following rules have therefore been enacted by the authority of the Honorable the Governor in Council, to have effect from the date of promulgation.

Clause 3d, Section I, of Regulation XXXIII of 1827 rescinded.

SECTION I.—Clause 3d of Section I, Regulation XXXIII of 1827, imposing a duty of three Rupees per Bombay maund on the export or import of Tobacco at every Port within the Zillas subordinate to Bombay, in addition to the established Customs at such Port respectively, is hereby rescinded.

Duty on Tobacco at Subordinates reduced to ½ Rupee per maund.

SECTION II.—A duty of half a Rupee per Bombay maund, payable once, either on export or import, whichever may first take place, shall be levied on Tobacco at every Port within the Zillas subordinate to Bombay, in addition to the established Customs of such Port, respectively.

(Criminal Branch of Judicature.)

## REGULATION XVI. A. D. 1828.

(SUPPLEMENT 3D, TO REGULATION XIII OF A. D. 1827.)

A REGULATION *for establishing subsidiary Jails where necessary.*—PASSED *by the Governor in Council of Bombon the 24th of September* 1828, *corresponding with the* 1st *Bhadrapud Vud Sumbut or Vikramajit Æra* 1884, *Salbahan* 1750, *Fusly* 1838, *Soorsum* 1829, *and* 14*th Rubee-ul-avul* 1243 *of the Hijree.*

Preamble.

WHEREAS, it is expedient, in extensive Zillas, that Subsidiary Jails should be established where required, the following rules have therefore been enacted, to have effect from the date of promulgation.

Subsidiary Jails amy by order of Government be established in any Zilla.

SECTION I.—Independent of the Criminal Jail in each Zilla provided for in Chapter VII, Regulation XIII, 1827, the Governor in Council, whenever he may deem it advisable, may by an order direct one or more subsidiary Jails to be established in any Zilla.

And placed under charge of a Public officer.

SECTION II.—Subsidiary Jails shall be placed under the Charge of such Public Officer, as may be most convenient, for its necessary superintendence.

The management of them to be under the same rules as the Zilla Jail and used as Government may direct.

SECTION III.—The management of Subsidiary Jails shall in every respect be under the same rules, so far as circumstances will admit, as the Zilla Criminal Jail, and be used in such manner as Government may direct.

When established in a Zilla the order to be sent to the Judge, through the Suddur Adawlut.

SECTION IV —Whenever a Subsidiary Jail is established in any Zilla, the order shall be communicated to the Judge of the Zilla, through the Suddur Foujdaree Adawlut.

To be visited by the Judge on circuit, or if inconvenient he may direct the Zilla Judge to visit and report on them.

SECTION V.—When possible, Subsidiary Jails shall be visited, in the same manner as is directed for Zilla Criminal Jails by the Judge on Circuit; but from being out of the way, or other good cause, established to the satisfaction of the Sudder Foujdaree Adawlut, it may be competent for that Court to direct the Zilla Criminal Judge personally to visit such Jails, immediately on the conclusion of a Session, making a report to the Judge on Circuit, of all matters necessary regarding them.

(Branch of Criminal Judicature.)

# REGULATION XVII. A. D. 1828.

## SUPPLEMENT 1ST TO REGULATION XIV. OF 1828.

A REGULATION *to provide for the punishment of the Crime of Conspiracy*,—PASSED *by the Honorable the Governor in Council of Bombay on the 3d day of December* 1828, *Corresponding with the* 11*th Kartig Vud Sumbut or Vikramajit Æra* 1885, *Salbahan* 1750, *Fusly* 1238, *Soorsun* 1229, *and* 24*th Jummadee-ul-avul* 1244, *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient to provide for the punishment of the Crime of Conspiracy, the following Rules are therefore enacted to have effect from the date of promulgation.

Definition of the Crime of Conspiracy; persons guilty of such, subject to punishment although purpose not effected.

SECTION I.—Any persons who shall conspire or combine together, to obstruct, pervert, or defeat the course of public Justice, or to injure the public health, or who shall combine together to impoverish or injure any individual or individuals, or who shall enter into a combination to effect a corrupt or illegal purpose, or to effect a legal purpose by illegal means, shall be subject to the punishment of Conspiracy, although such purposes be not effected.

Punishment, fine or imprisonment or both, and by finding Sureties.

SECTION II.—Conspiracy shall be punished by fine or imprisonment not exceeding ten years, or by both these punishments combined, and by finding Sureties for good behaviour according to the Regulations.

(Branch of Criminal Judicature.)

# REGULATION I. A. D. 1829.

## (SUPPLEMENT 1ST TO REGULATION XXX. A. D. 1827.)

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A REGULATION for extending the Penal Jurisdiction of the Assistants to the Magistrates in the Deckan.—PASSED by the Governor in Council at Bombay on the 15th of April 1829, corresponding with the 12th Chyter Sood Sumbut or Vikramajit Æra 1885, Salbahan 1751, Fusly 1238, Soorsun 1229, and 10th Shaval 1244 of the Hijree.

Preamble.

WHEREAS it may be deemed expedient in certain cases by the Governor in Council to vest the Assistant to the Magistrates in the Deckan with similar and co-extensive powers of Penal Jurisdiction as are enacted for the Magistrate in Clause 2nd Section II. Regulation XXX. 1827, the following Rules are passed, to have effect from the date of promulgation :—

Government may make the Powers of the Assistant Magistrates in the Deckan and Khandesh the same as the Magistrate's.

SECTION I.—It shall be competent for Government, upon the recommendation of the Magistrate, or for special reasons, to vest any Assistant to the Magistrates of the Zillas of Poona and Ahmednuggur with the same powers of penal jurisdiction as are enacted for the Magistrates of those Zillas in Clause 2nd Section II. Regulation XXX. A. D. 1827, notice being at the same time given by Government to the Court of Sudder Foujdaree Adawlut.

Sentences already passed by the Assistant Magistrates made legal.

SECTION II.—Any sentences that may have been already passed by the Assistants to the Magistrates of the Zillas of Poona and Ahmednuggur, in the exercise of the extended powers with which it is now provided they may be vested, are hereby made and declared to be legal.

(Military Branch.)

# A. D. 1829, REGULATION II.

A REGULATION *for establishing Rules and Articles for the better Government of the Native Officers and Sepoys in the Service of the United Company of Merchants of England trading to the East Indies under the Presidency of Bombay.*—PASSED *by the Governor in Council of Bombay, on the 19th day of August,* 1829, *corresponding with the 5th of Shravan Vud Sumbut or Vekramajeet Era* 1885, *Salbahan* 1751, *Fusly* 1239, *Soorsun* 1230, *and 18th Suffer* 1245 *of the Hijree.*

Preamble.

WHEREAS by an Act of the Parliament of Great Britain, passed in the Fifty-third year of the Reign of His late Majesty King George the Third, intituled An Act for continuing in the East India Company, for a further term, the possession of the British Territories, in India, together with certain exclusive privileges, for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter, it is enacted and declared, "That the several Governments of Fort William, Fort Saint George and Bombay, have, "and shall, during the continuance of the term hereby granted "to the said Company, be deemed and taken to have full power and "authority to make all such Laws and Regulations and Articles of "War, as they may think fit for the order and discipline of all Officers and Soldiers, Natives of the East Indies or other places within "the limits of the said Company's Charter, in their respective "Services, and for the Administration of Justice by Courts Martial "to be holden on such Native Officers and Soldiers in as full and ample "a manner as the said Governments respectively may make any other ', Laws or Regulations for the Government of the Natives of the several Territories subject to the said Presidencies respectively, any "Act of Parliament or other matter or thing to the contrary notwithstanding: Provided always, that all Laws, Regulations, and Articles "of War, hereafter to be made respecting any of the Matters aforesaid, whereby the Rights, Persons or Property of any such Native "Officer or Soldier may be affected shall be made and promulgated "in every respect in the same manner as other Regulations affecting "the Rights, Persons, or Property of Natives, or other Individuals "amenable to the Provincial Courts of the Presidency of Fort William in Bengal are directed to be made by virtue of an Act passed "in the Thirty-seventh year of his Majesty's Reign, intituled An Act "for the better administration of Justice at Calcutta, Madras and "Bombay, and for preventing British subjects from being concerned "in Loans to the Native Princes in India.," The Governor in Council of the Presidency of Bombay by virtue of the full power and authority declared to be vested in the Government of the said Presidency by the Act above recited, has made and established the following Rules and Articles for the better Government of the Native Officers and Sepoys in the service of the United Company of Merchants of England trading to the East Indies under the Presidency of Bombay, to be in force from and after the date of their promulgation.

SECTION I.——RULES AND ARTICLES

for the better Government of the Native Officers, and Sepoys in the Service of the United Company of Merchants of England trading to the East Indies under the Presidency of Bombay.

# A. D. 1829. REGULATION II.

## SECTION I.

### MUTINY.

ART. I.
Penalty of speaking disrespectful Words against the Government.

Whatsoever Officer, Non-commissioned Officer, or Sepoy, shall use disrespectful words against the Government, shall, if a Commissioned Officer, upon conviction thereof before a Court Martial, be dismissed the service; if a Non-commissioned Officer or Sepoy, he shall suffer such Punishment as by the Sentence of a Court Martial shall be awarded.

ART. II.
Penalty of exciting or joining in any rebellion, sedition or conspiracy against the Government.

Any Officer, Non-commissioned Officer, or Sepoy, who shall either excite or join in any Rebellion, Sedition, or Conspiracy against the Government, or having knowledge of any intended Rebellion, Sedition, or Conspiracy against Government, shall not immediately give information thereof to his Commanding Officer, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded,

ART. III.
Penalty of disrespectful Behaviour to the Commander in Chief.

Any Officer, Non-commissioned Officer, or Sepoy, who shall behave himself with disrespect towards the General or other Commander in Chief of the Forces either in word or deed, shall suffer such Punishment as by a Court Martial shall be awarded.

ART. IV.
Penalty of Mutiny.

Any Officer, Non-commissioned Officer, or Sepoy, who shall either excite or join in any Mutiny in the Regiment, Troop, Company to which he belongs, or in any other Regiment, Troop, or Company, or in any Party, Post, Detachment, or Guard on any pretence whatsoever, shall suffer Death, or such other Punishment as by a General Court Martial shall be awarded.

ART. V.
Penalty of not suppressing or concealing Mutiny.

Any Officer, Non-commissioned Officer, or Sepoy, who, being present at any Mutiny, shall not use his utmost endeavour to suppress the same, or knowing of any Mutiny or intended Mutiny, shall *not*, without delay, give information thereof to his Commanding Officer, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded.

ART. VI.
Penalty of striking, or drawing any Weapon against a Superior Officer, or disobeying Orders.

Any Officer, Non-commissioned Officer, or Sepoy who shall draw, or offer to draw, or lift up any Weapon, or offer any violence against him, being in the execution of his Office, on any pretence whatsoever, or shall disobey any lawful Command of his Superior Officer, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded.

## SECTION II.

### OF DISCHARGING SEPOYS.

ART. I.
Discharge granted to all Sepoys dismissed the service.

Non-Commissioned Officers and Sepoys having been duly enlisted and sworn, shall not be dismissed the Company's Service, without a Discharge, according to the General Order on that head, which shall be in force at the time of granting the Discharge.

## SECTION III.

### RETURNS.

ART. I.
Penalty on Officers making false Returns.

Every Officer who shall knowingly make a false Return to any his Superior Officer authorized to call for such Returns of the state of the Men under his Command, or of Arms, Ammunition, Clothing or other Stores thereunto belonging, or of which he may otherwise have charge, shall, upon being convicted thereof before a General Court Martial, be dismissed the Service.

## SECTION IV.

### DESERTION AND ABSENCE WITHOUT LEAVE.

ART. I.
Penalty of Desertion.

All Officers, Non-commissioned Officers, and Sepoys who shall be convicted of Desertion, shall suffer Death, or such other Punishment as by a General Court Martial shall be awarded.

ART. II.
Penalty of re-enlisting without being discharged.

Any Non-commissioned Officer or Sepoy who shall enlist himself in any other Regiment without being discharged from his former Corps, shall be reputed a Deserter, and suffer accordingly.

ART. III.
Penalty of enlisting and not confining Deserters.

Any Officer, Non-commissioned Officer, or Sepoy who shall knowingly enlist a Deserter, or who shall, upon discovering him to be such, neglect to confine a Deserter, and give notice thereof to his immediate Superior Officer, shall, if a Commissioned Officer, upon conviction thereof before a General Court Martial, be dismissed the Service, if a Non-commissioned Officer or Sepoy, he shall suffer such Punishment as by a Court Martial shall be awarded.

ART. IV.
Penalty of persuading any one to desert.

Whatsoever Officer, Non-commissioned Officer, or Sepoy shall be convicted of having advised or persuaded any other Officer, or Sepoy to desert, shall suffer such Punishment as by the Sentence of a Court Martial shall be awarded.

ART. V.
Any Person voluntarily surrendering himself as a Deserter to be considered as such.

Any Person who shall voluntarily surrender, or deliver himself up as a Deserter from any Regiment or Corps of the Forces, or who, upon being apprehended for Desertion, shall confess himself to be a Deserter from any such Regiment or Corps, shall be deemed to have been duly enlisted, and to be a Sepoy, and shall be liable to serve in any such Regiment or Corps, as the General or other Commander in Chief of the Forces shall think fit to appoint, and shall furthermore be liable to such Punishment as by a Court Martial may be awarded.

ART. VI.
Penalty of Absence without Leave.

When any Officer, Non-commissioned Officer, or Sepoy shall absent himself without leave, or shall overstay the period for which leave of absence may have been granted him, all his Military Allowances shall be withheld until a satisfactory explanation shall have been given, and he shall furthermore be liable to such additional Punishment as, upon conviction thereof before a Court Martial, shall be awarded.

## SECTION V.

### OF REDRESSING WRONGS.

ART. I.
What an Officer or Sepoy must do if he thinks himself wronged.

If any Officer, Non-commissioned Officer, or Sepoy, shall think himself wronged, and upon due application made to the Commanding Officer of the Regiment, shall be refused Redress, he may complain to the General Commanding the Division, or the General or other Commander in Chief of the Forces; but, if upon examination, the complaint shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of a Court Martial.

## SECTION VI.

### OF STORES, AMMUNITION, &c.

ART. I.
Penalty on Officers selling, misapplying, or wilfully destroying Military Stores.

Whatsoever Commissioned Officer shall be convicted at a General Court Martial of selling, misapplying, not accounting for, or wilfully destroying any Military Stores, Provisions, or other articles, the Property of the Company, entrusted to his charge, shall be fined to the extent of the Loss or Damage, and shall furthermore be dismissed from the Service.

ART. II.
Penalty of selling or wasting Ammunition.

Whatsoever Non-commissioned Officer or Sepoy shall be convicted at a Court Martial of having sold or designedly wasted the Ammunition delivered out to him, shall be punished at the discretion of such Court Martial. A Non-commissioned Officer so offending shall also be reduced to the Ranks.

ART. III.
Penalty of selling or spoiling Arms, &c.

Every Non-commissioned Officer or Sepoy who shall be convicted at a Court Martial of having sold, lost, or wilfully, or through neglect, spoiled his Horse, Arms, Clothes, Accoutrements, or Regimental Necessaries, shall undergo such monthly stoppages, (not exceeding the half of his Pay and Allowances,) as such Court Martial shall judge sufficient to replace the loss ; and shall besides suffer such Corporal or other Punishment as the said Court Martial may award.

ART. IV.
Penalty on Commissioned Officers embezzling or misapplying Public Monies.

If any Commissioned Officer shall embezzle or missapply any monies with which he may have been entrusted on the Public Account, and shall thereof be convicted by a General Court Martial, he shall be dismissed the Service, and shall forfeit the Arrears of Pay and Allowances due to him, or so much thereof as may be sufficient to make good the loss.

ART. V.
Penalty on Non-commissioned Officers embezzling or misapplying Public Monies.

Every Non-commissioned Officer shall be convicted by a Court Martial of having embezzled or misapplied any monies entrusted to him on the Public Account, shall be reduced to serve in the Ranks, as a Sepoy, and be put under Stoppages, (not exceeding the Half of his Pay and Allowances,) until the money embezzled or misapplied by him be made good, and suffer such Corporal or other Punishment as by a Court Martial shall be awarded.

## SECTION VII.

### OF DUTIES IN GARRISON, IN CANTONMENT, OR IN THE FIELD.

ART. I.
Penalty of spoiling Property.

All Officers, Non-commissioned Officers, and Sepoys, are to behave themselves Orderly in Quarters and on the March, and whoever shall, without authority commit any waste or spoil, either in in Houses, Gardens, Fields, or in Topes, Tanks, Choultries, or Places of Worship of any description whatsoever, the Property of the Company or of the Inhabitants, or shall maliciously destroy or injure any Property whatsoever belonging to the Inhabitants of the Country, he or they that shall be found guilty of offending herein, shall be punished according to the nature and degree of the Offence by the Judgment of a Court Martial.

ART. II.
Penalty of exacting Carriage, Porterage, Provisions, or Money.

Whatsoever Commissioned Officer shall, on any pretence whatsoever without authority exact from Villagers or others, Carriage, Porterage, Provisions, or Money shall, upon conviction thereof, before a General Court Martial, be dismissed the Service, and fined to the amount exacted ; any Non-commissioned Officer or Sepoy so offending shall, upon conviction thereof before a Court Martial, undergo such Monthly Stoppages, (not exceeding the Half of his Pay and Allowances), as may equal the amount exacted, and shall furthermore, suffer such corporal or other Punishment as by the said Court Martial shall be awarded. A Non-commissioned Officer so offending shall also be reduced to the Ranks.

It is however expressly to be understood, that the Provisions of this Article are in no sort to impede such authorized mode of requisition for Supplies and Carriage as may, from time to time, be promulgated by Government.

ART. III.
Penalty of being found out of Camp without Leave.

All Non-commissioned Officers and Sepoys who shall be found one English Mile out of Camp, or beyond Sound of Drum or Trumpet, without leave, shall suffer such Punishment as by the Sentence of a Court Martial shall be awarded.

ART. IV.
Penalty of lying out of Camp.

No Officer, Non-commissioned Officer, or Sepoy, shall be out of Camp without leave, upon pain of being punished, according to the circumstances and degree of his Offence, by the Sentence of a Court Martial.

ART. V.
Penalty of not repairing at the Time fixed to the Parade or other Place of Duty, or of quitting the same, without being dismissed or relieved.

No Officer, Non-commissioned Officer, or Sepoy, shall fail to repair, at the time fixed, to the Place of Parade, Exercise, or other Duty appointed by the Commanding Officer, if not prevented by Sickness, or some other evident necessity ; or shall quit the same without leave from his Commanding Officer, before he shall be regularly dismissed or relieved, on the Penalty of being punished, according to the circumstances and degree of his offence, by the Judgment of a Court Martial.

ART. VI.
Penalty if an Officer or Sepoy shall quit his Platoon or Division.

Any Officer, Non-commissioned Officer, or Sepoy, who shall without urgent necessity, or without leave of his Superior Officer, upon Parade or the March, quit his Platoon or Division, shall be punished, according to the circumstances and degree of his Offence, by the Judgment of a Court Martial.

ART. VII.
Penalty of Drunkenness.

Whatsoever Commissioned Officer shall be found Drunk on his Guard, Party, or other Duty, shall, upon being convicted thereof before a General Court Martial, be dismissed the Service: any Non-commissioned Officer or Sepoy so offending, shall suffer Corporal or other Punishment as by a Court Martial shall be awarded.

ART. VIII.
Penalty if a Centinel be found sleeping on his Post, or quitting it before relieved.

Whatever Centinel shall be found sleeping upon his Post, or shall leave it before he shall be regularly relieved, shall suffer Death or such other Punishment as by a Court Martial shall be awarded.

ART. IX.
Penalty of doing Violence to any Person who brings Provisions to the Camp or Quarters.

Whatsoever Officer, Non-commissioned Officer, or Sepoy, shall do Violence to any Person who brings Provisions or other Necessaries to the Camp or Quarters of the Forces employed against the Enemy, shall, if convicted thereof, suffer Death, or be punished according to the degree and nature of his offence by the Judgment of a General Court Martial.

ART. X.
Penalty of forcing a Safe-guard.

Whosoever of the Forces employ against the Enemy shall force a Safeguard and shall be convicted thereof by a General Court Martial, shall suffer Death or such other Punishment as by such Court shall be inflicted.

ART. XI.
Penalty of making known the Watchword, or of giving a false one.

Any Person belonging to the Forces employed against the Enemy, who shall make known the Watchword to any Person who is not entitled to receive it, or shall wilfully give a Watchword different from what he received, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded; and whosoever shall be found guilty of such offence at other times shall be punished at the discretion of a Court Martial.

ART. XII.
Penalty of holding Correspondence with, or giving Intelligence to the Enemy.

Whosoever shall be convicted of holding Correspondence with, or giving Intelligence to, the Enemy, either directly or indirectly, shall suffer Death, or such other Punishment as by a General Court Martial shall be awarded.

ART. XIII.
Penalty of relieving or harbouring an Enemy.

Whosoever shall relieve the Enemy with Money, Provisions, or Ammunition, or shall knowingly harbour or protect an Enemy, shall suffer Death, or such other Punishment as by a General Court Martial shall be awarded.

ART. XIV.
Public Stores to be secured for Government.

All Public Stores taken from the Enemy, shall be secured on Account of the Company; and any Officer, Non-commissioned Officer or Sepoy, neglecting so to do, shall be punished according to the discretion of a Court Martial.

ART. XV.
Penalty of going in search of Plunder.

If any Officer, Non-commissioned Officer, or Sepoy, shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, he shall upon being convicted thereof, suffer Death or such other Punishment as by a General Court Martial shall be awarded.

ART. XVI.
Penalty of casting away Arms or Ammunition.

Any Officer, Non-commissioned Officer, or Sepoy, employed against the Enemy, who shall cast away his Arms or Ammunition, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded, and whosoever shall be found guilty of such Offence at other times shall be punished at the discretion of a Court Martial.

ART. XVII.
Penalty of misbehaving before the Enemy, or abandoning Post, &c.

Whatsoever Officer, Non-commissioned Officer, or Sepoy, shall misbehave himself before the Enemy, or shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded.

ART. XVIII.
Penalty of compelling or inducing others to misbehave before an Enemy, or abandon Post, &c.

Whatsover Officer, Non-commissioned Officer, or Sepoy, shall by any means whatsoever, compel or induce any other Person or Persons to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post or Guard committed to their Charge, or which he or they shall be commanded to defend, shall suffer Death or such other Punishment as by a General Court Martial shall be awarded.

ART. XIX.
Penalty of being taken Prisoner through wilful Neglect.

Any Non-commissioned Officer, or Sepoy, who shall have been taken Prisoner through wilful Neglect of Duty on his Post, or shall have served with, or in any manner have assisted the Enemy, or shall not have returned as soon as possible to the Service, may be adjudged by the Sentence of a Court Martial to the Forfeiture of the whole or any proportion of any Arrears of Pay or Allowances which he might otherwise be entitled to claim, for the period during which he was a Prisoner, and up to the date of his rejoining the Forces, and shall besides suffer Corporal or other Punishment at the discretion of the said Court Martial.

## SECTION VIII.

### RANK.

ART. I.
Rank of Officers.

OFFICERS having Commissions of a prior date to those of the Regiment in which they are Serving, may take place in Courts Martial and on Detachments when composed of different Corps, according to the Rank given them in the dates of their former Commissions; but in the Regiment, Troop, or Company to which such Officers do belong, they shall do duty and take Rank, both on Courts Martial and Detachments which shall be composed only of their own Corps, according to the Commissions by which they are mustered in the said Corps.

## SECTION IX.

### ADMINISTRATION OF JUSTICE.

ART. I.
The appointment of Native General Courts martial and approval of their Sentence, in whom vested.

THE appointment of all General Native Courts Martial and the approval of their Sentences is vested in the Commander in Chief, or Commanding Officer of the Forces for the time being.

ART. II.
Number of Officers to sit on General Courts Martial within the Company's Territories, And out of the Company's Territories.

A General Court Martial in the Territories under the Presidency of Bombay shall not consist of less than Nine Commissioned Officers, but if held for the trial of a Commissioned Officer, shall not consist of less than Thirteen Commissioned Officers.

A General Court Martial held out of the Territories under the Presidency of Bombay may consist of any number of Commissioned Officers not less than Seven.

ART. III.
Judge Advocate is to prosecute.

The Judge Advocate shall prosecute in the name of Government at all General Courts Martial.

ART. IV.
An Interpreter is to be attached to all General Courts Martial.

To all General Courts Martial shall be attached an European Commissioned Officer as Interpreter, and to him previously to any Proceedings being held before the Court, shall be administered by the Judge Advocate the following Oath.

" I, *A. B.* do Swear, that I will well and truly interpret, according to the best of may skill and judgment, such matter as may be brought before this Court, that I will not divulge the Sentence of the Court, until it shall be approved by the General or other Commander in Chief of the Forces, or other competent Authority, neither will I, upon any account, at any time whatsoever, disclose the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, or a Court Martial. So help me GOD !"

ART. V.
Oaths to be administered to Members of all General Courts Martial.

And as soon as the said Oath shall have been administered to the Interpreter, he shall cause to be administered, by a competent Person the following Oath to the President and each Member of the Court, according to the Formula of his Religion respectively.

" You shall well and truly determine according to your Evidence in the matter now before you. So help you GOD"

I, *C. D.* do Swear, that I will duly administer Justice according to the Laws, Regulations, and Articles of War established by the Hon'ble the Governor in Council for the better Government of the Native Troops serving under the Presidency of Bombay, and for the adminis-

tration of Justice by Native Courts Martial, without partiality, favour or affection, and if any doubt shall arise which is not explained by the said Laws, Regulations, or Articles of War, then according to my Conscience, the best of my Understanding, and the custom of War in the like cases.

" And I do further Swear, that I will not divulge the Sentence of the Court until it shall be approved of by the Commander in Chief, or the Officer by whose warrant the Court Martial is held, neither will I, upon any account, at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of this Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice, or a Court Martial by due course of Law. So help me GOD"

ART. VI.
Judge Advocate to be sworn.

This done, the Interpreter shall administer to the Judge Advocate, an Oath, in the following words.

" I, *E. F.* do Swear, that I will not, upon any account, at any time, whatsoever, disclose the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, or a Court Martial. So help me GOD."

ART. VII.
Decency to be observed in Courts: the youngest Member to vote first.

All the Members of a Court Martial are to behave with Decency; and in the giving of their Votes, are to begin with the youngest.

ART. VIII.
Number of Members required to concur in Sentence of Death.

No Sentence of Death shall be given against any Offender by any General Court Martial consisting of less than Thirteen Members, (except the same shall be holden in a place out of the Territories under the Presidency of Bombay), nor unless nine Officers present shall concur therein; and in all cases where a Court Martial shall consist of more Officers than Thirteen, and also in any Place out of the aforesaid Territories, when the same shall consist of a less number of Officers, then such Judgment shall pass by the Concurrence of two Thirds at the least of the Officers present.

ART. IX.
Hours of Trial.

No Trials shall be carried on excepting between the hours of Six in the Morning and Four in the Afternoon, except in cases which require an immediate Example.

ART. X.
Rules, to be observed in the Punishment of Officers.

Whenever any Commissioned Officer shall be convicted before a General Court Martial of any Offence, for which such Officer may be Sentenced to such Punishment as may be adjudged at the discretion of the court, the court may in all such cases, adjudge such Officer to be Suspended from Rank, Pay, and Allowance, for a stated period, or to lose Rank by being placed lower in the List of the Rank which such Officer may hold in the Army, and in the Regiment or Corps to which he may belong, and the Court shall, in every such Sentence of Reduction of Rank, specify the extent of Reduction which they shall so adjudge.

ART. XI.
Rules to be observed before Execution of the Sentence of a General Court Martial.

No Sentence of a General Court Martial shall be put in execution, till after a Report shall have been made of the whole Proceeding to the general or other Commander in Chief of the Forces, or other Authority competent to confirm the same, and until his Directions shall have been signified thereupon.

ART. XII.
The Commanding Officer of any Cantonment, &c. may direct the Assembly of Cantonment, &c. Courts Martial for the Trial of lesser Offences.

The Commanding Officers of every Cantonment, Fort, Detachment, or Regiment may direct the assembly of Line, Garrison, Detachment, or Regimental Courts Martial as the case may be, composed of the Commissioned Officers under their Command, without any Special Warrant or other Authority than these Articles of War, for enquiring into such Disputes or Criminal Matters as may come before them, and for the inflicting Corporal or other Punishment for small offences, and they shall give Judgment by the Majority of voices; but no Sentence shall be executed until the Commanding Officer shall have confirmed the same.

ART. XIII.
Rules to be observed in such Court Martial.

No such Court Martial shall consist of less than five Members, excepting in cases where that number cannot conveniently be assembled, when Three may be sufficient.

ART. XIV.
To every such Court Martial an European Officer is to be appointed to conduct the Proceedings.

To every such Court Martial shall be appointed an European Commissioned Officer to Superintend and conduct the Proceedings, and to prosecute in the name of Government in like manner as a Judge Advocate.

ART. XV.
To every such Court Martial an Interpreter is to attached.

To every such Court Martial shall also be nominated an European Commissioned Officer to officiate as Interpreter, and unto him the Superintending Officer shall administer the following Oath.

"I, *A. B.* do Swear, that I will well and truly interpret, according to the best of my Skill and Judgment, such matter as may be brought before this Court. So help me GOD!"

ART. XVI.
Oaths to be administered to Members of such Courts.

And as soon as the said Oath shall have been administered to the Interpreter, he shall cause to be administered by a competent Person, the following Oath to the President and each Member of the Court according to the Formula of his Religion.

"I, C. D. do Swear, that I will duly administer Justice according to the Rules and Articles of War, without Partiality, Favor or Affection, and if any doubt shall arise which is not explained by the said Articles of War, then according to my Conscience, the best of my Understanding, and the Custom of War, in the like cases.

ART. XVII.
The Senior Officer to sit as President.

At all Courts Martial the Senior Officer shall sit as President, whether by special Warrant from the General or other Commander in Chief of the Forces, or otherwise.

ART. XVIII.
Evidence to be given on Oath (with Exceptions.)

All Persons who give Evidence before any Court Martial whatsoever shall be examined on Oath or solemn Declaration, as the Circumstances of their Religion or Caste may require.

ART. XIX.
No Commissioned Officer may be dismissed the Service but by Order of the Governor in Council, or by a Court Martial.

No Commissioned Officer shall be dismissed from the Service, excepting by an Order from the Governor in Council, or by the sentence of a General Court Martial approved by some Person, having due Authority; but Non-commissioned Officers may be discharged as private Sepoys, and may, by the Order of the Colonel of the Regiment, or by the sentence of a Court Martial, be reduced to private Centinels.

ART. XX.
The Penalty of menacing Words, Gestures, or Disturbances, before a Court Martial.

No Person whatsoever shall use menacing Words, Signs, or Gestures in the Presence of a Court Martial then sitting, or shall cause any Disorder or Riot so as to disturb their Proceedings, on the Penalty of being punished at the Discretion of the said Court Martial.

ART. XXI.
Penalty of Perjury before a Court Martial.

Whatsoever Commissioned Officer shall be guilty of Perjury by wilfully and knowingly giving false Evidence on the Oath or Declaration before a Court Martial, shall, upon conviction, be dismissed the service, and every Non-commissioned Officer or Sepoy so convicted, shall suffer such Corporal or other Punishment as by the sentence of a Court Martial may be awarded.

ART. XXII.
Officers committing Crimes are to be placed in Arrest, and Sepoys committed to Custody.

Whenever any Officer or Sepoy shall commit a Crime deserving Punishment, he shall by his Commanding Officer be put in Arrest if an Officer; or if a Non-commissioned Officer or Sepoy, be imprisoned until he shall either be tried by a Court Martial, or shall be lawfully discharged by a proper Authority.

ART. XXIII.
The Time limited for Confinement.

No Officer, Non-commissioned Officer, or Sepoy, who shall be put in Arrest or Imprisonment, shall continue in his confinement more than Eight Days, or longer than such time as a Court Martial can be conveniently assembled.

ART. XXIV.
Officer of the Guard to receive Prisoners.

No Officer commanding a Guard shall refuse to receive or keep any Prisoner committed to his charge, by any Officer belonging to the Forces, which Officer shall at the same time deliver an Account in Writing signed by himself of the Crime with which the said Prisoner is charged.

ART. XXV.
The Penalty if an Officer release a Prisoner without Orders.

No Officer commanding a Guard shall presume to release any Prisoner committed to his charge, without proper Authority for so doing, nor shall he suffer any Prisoner to escape, on Penalty of being punished for it by sentence of a Court Martial.

ART. XXVI. Report to be made of all prisoners.

Every Officer to whose charge any Prisoner or Prisoners shall be committed, is hereby required, as soon as he shall be relieved from his Guard, to report thereupon their Names and Crimes and by whom charged, to his Superior Officer, on the Penalty of being punished for his neglect at the discretion of a Court Martial.

ART. XXVII. The Penalty if an Officer break his arrest.

If any Officer under arrest shall leave his confinement before he is set at Liberty by the Officer who confined him, or by a Superior Authority, he shall upon conviction thereof before a Court Martial be dismissed the Service.

ART. XXVIII. Officers convicted of ill behaviour to be discharged,

Whatever Commissioned Officer shall be convicted before a Court Martial of behaving in a scandalous, infamous manner, such as is unbecoming the character of an Officer, shall be discharged from the Service: Provided however, that in every charge preferred against an Officer for such scandalous or unbecoming behaviour, the Fact or Facts whereon the same is grounded shall be clearly specified.

## SECTION X.

EFFECTS OF DECEASED OFFICERS AND SEPOYS.

ART. I. How the Effects of deceased Officers or Sepoys are to be disposed of.

WHEN any Commissioned Officer, Non-commissioned Officer, or Sepoy, shall die or be killed in the Service, and his Heir or Heirs shall not be present at the time, the Commanding Officer of the Regiment or Detachment shall direct an Inventory to be taken of the Effects he may have died possessed of by Three Commissioned Officers, and the said Effects to be publicly sold, and the proceeds, after payment of Regimental Debts and Funeral Expences, to be deposited in the Regimental Chest, for payment to the Heir or Heirs in due course. In the event of no Heir being forthcoming, the said Proceeds shall, after Six Months, be remitted to the Sub-Treasurer of Government.

ART. II. Effects of Deserters

The Effects of Deserters shall be applied in like manner to the Liquidation of their Regimental Debts; and the Remainder, if any, brought to the credit of Government.

## SECTION XI.

TROOPS RAISED OR SERVING IN DEPENDENT SETTLEMENTS.

ART. I. Troops raised or serving in Settlements beyond Sea, or without the Limits of the Presidency, to be governed by these Articles,

THE Officers, Non-commissioned Officers, and Sepoys of any Troops which are or shall be raised by the Presidency of Bombay, and serving in any Countries, Settlements, or Places beyond Sea, or without the Limits of the said Presidency, shall at all times, and in all places, when under the Command of any Officer having a Commission from the Government of any one of the Presidencies of the East India Company, be governed by these Rules and Articles of War, and shall be subject to be tried by Courts Martial, in like manner as the other Native Officers and Sepoys of the Presidency of Bombay.

## SECTION XII.

RELATING TO THE FOREGOING ARTICLES.

ART. I. No Commissioned Officer to be tried by Court Martial other than General,

No Commissioned Officer shall be tried for any Crime whatsoever, by a Court Martial other than General Court Martial.

ART. II. The Penalty of Death cannot be awarded by a Court Martial other than General.

No Commissioned Officer, Non-commissioned Officer, or Sepoy, shall be tried for any Crime involving a Punishment extending to Life or Limb by a Court Martial other than a General Court Martial; but all other Crimes and Misdemeanors, shall be cognizable before Minor Courts Martial, or otherwise as the case may be.

ART. III. No Officer or Sepoy to be punished with Loss of Life, except in the Cases so expressed in these Articles.

No Officer, Non commissioned Officer or Sepoy, shall be adjudged by the Sentence of a Court Martial to suffer any Punishment extending to Life or Limb, within the said Company's Possessions, except for such Crimes, as are herein expressly declared to be so punishable within the same.

ART. IV.

Courts Martial may take Cognizance of Offences not Capital, though not mentioned in these Articles.

But all Crimes not Capital, and all Disorders and Neglects which Officers, Non-commissioned Officers, and Sepoys, may be guilty of, to the prejudice of good order, and Military Discipline, though not specified in these Rules and Articles, are to be taken cognizance of by Courts Martial, and to be punished at their discretion according to the Nature and the Degree of the offence.

ART. V.

Courts Martial may punish Criminals in all places out of the Company's Territories.

But whenever any of the Forces shall be employed out of the Company's Territories, all Crimes and Offences, which may be punishable by the Laws and Regulations of the Government of Bombay, shall be cognizable by Courts Martial, and punished according to their Nature and Degree by the Sentence of any such Court Martial, such Sentence, nevertheless to be in conformity to the Laws and Regulations of the said Presidency then in force.

ART. VI.

The Commander in Chief may commute a Sentence of Death to Imprisonment and hard Labour.

In all Cases wherein a Capital Punishment shall have been awarded by a General Court Martial, it shall be Lawful for the General or other Commander in Chief of the Forces, to Commute the Punishment aforesaid to Imprisonment and hard Labour, as a Felon, for Life or for a certain Term of Years, or to Transportation, according to the Provisions of Section CXXI. 53 Geo. III. Cap. 155, to any place beyond the Seas situated within 30 Degrees North or 25 Degrees South of the Line.

ART. VII.

No one shall be tried a second Time for the same Offence.

No Officer, Non-commissioned Officer, or Sepoy, being acquitted or convicted before a Court Martial of any Offence, shall be liable to be tried a second time by the same or any other Court Martial for the same Offence.

ART. VIII.

No person shall be liable for an Offence committed Three Years previously (with exceptions.)

No Person shall be liable to be tried and punished for any Offence against these Rules and Articles which shall appear to have been committed more than three Years previous to the Order directing the assembly of the Court Martial, whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to Justice within that Period; in which case such person shall be liable to be tried at any time not exceeding Two Years after the impediment shall have ceased.

ART. IX.

What Natives are subject to these Articles and liable to be tried by Courts Martial,

All Natives employed in any Department of the Army, and receiving Pay from Government, all Native Sutlers, Native Servants employed by Military Persons, and Native Camp Followers belonging to a Garrison, Cantonment, Station, or Camp, shall be subject to these Articles of War, and liable to be tried by Courts Martial.

ART. X.

These Articles to be read entirely once in every Six Months, and particularly once in every Two Months,

All these Rules and Articles, being translated into Hindoostanee and Maratha, are to be read once in every Six Months; and the Sections relating to Mutiny and Desertion once in every Two Months, at the head of every Regiment, Troop or Company, mustered in the Service and are to be duly observed, and exactly obeyed, by all Officers and Sepoys in the Service.

(Branch of Criminal Judicature.)

# REGULATION III. A. D. 1829.

(SUPPLEMENT 2ND TO REGULATION XIV. OF A. D. 1827.)

A REGULATION to provide for the Punishment of Frauds committed in the Packing and Sale of Cotton.—PASSED by the Governor in Council of Bombay on the 18th day of November 1829, corresponding with the 8th of Kartick Vud Sumbut or Vikramajet Æra 1886, Salbahan 1751, Fusly 1239, Soorsun 1230, and 20th Jumadyulavul 1245 of the Hijree.

Preamble.

WHEREAS numerous and various kinds of frauds are committed in the packing and preparation of Cotton for sale, to the great detriment and injury of the trade in that staple commodity, and whereas, to check and eradicate an evil of such pernicious consequences to the trade, it is expedient to provide for the punishment of the frauds so practised; and whereas it is expedient, from the short interval that elapses between the gathering of the Cotton and the period when it must be shipped from the ports of Guzerat, to provide that the cognizance of the offence committed should be had with the least possible delay, the following Rules have therefore been enacted, to have effect from the date of promulgation:—

Persons mixing good and bad Cotton, and selling the whole fraudulently as good Cotton, declared guilty of a Penal Offence.

SECTION I.—*Clause 1st.*—Any person fraudulently mixing good and bad descriptions of cotton in one bale, termed "false packing," and fraudulenly offering for sale, or selling cotton so packed, as good cotton, shall be deemed to be guilty of a penal offence, and punishable as provided in the following Section.

Persons mixing dirt, &c. with Cotton, to add to its weight, declared guilty of a Penal Offence.

*Clause 2nd.*—Any person fraudulently deteriorating cotton by exposing it by night to heavy dews, by putting dirt, stones, earth, or any other substance, or salt water, amongst it, with the view of making it heavier, and packing it in that state, to the injury of the staple, shall be deemed to be guilty of a penal offence; and any person so deteriorating cotton, or fraudulently offering it for sale, or selling it when so deteriorated, shall be punishable in the mode prescribed in the following Section.

Such Frauds punishable by Imprisonment and Fine.

SECTION II.—*Clause 1st.*—Frauds thus committed, and above made penal, shall be punished with fine and imprisonment, for the first offence, not exceeding two years; and on a conviction of a second or more offences, with fine and imprisonment not exceeding seven years.

And the Cottons fraudulently deteriorated liable to Confiscation.

*Clause 2nd.*—And it is further enacted, that cotton so fraudulently offered for sale and sold shall be liable to confiscation, and to be burnt or otherwise destroyed, when the loss by such confiscation can be made to fall upon the person or persons who have been convicted of having committed the fraud.

Offences under this Regulation how tried and punished.

SECTION III.—And it is further enacted, that all offences coming under this Regulation shall be taken cognizance of and punished by the Magisterial authorities, without delay; and by such summary process as the Regulations will admit of.

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